### IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

UNITED STATES OF AMERICA	§	
	§	No: 3:12-CR-317-L
V.	§	No: 3:12-CR-413-L
	§	No: 3:13-CR-030-L
BARRETT LANCASTER BROWN	§	

### MEMORANDUM IN SUPPORT OF DEFENDANT'S OPPOSITION TO GOVERNMENT'S REQUEST FOR A GAG ORDER

BARRETT LANCASTER BROWN, through his counsel, respectfully submits this memorandum to set the framework for oral argument on September 4, 2013, and to enter exhibits that Mr. Brown believes are relevant to the courts determination.<sup>1</sup>

### **STATEMENT OF FACTS**

### A. Barrett Brown

Barrett Lancaster Brown is a thirty-two year old American satirist, author and journalist. His work has appeared in Vanity Fair, the Guardian, Huffington Post, True/Slant, the Skeptical Inquirer and many other outlets. *See* Summary Chart of Select Publications by Barrett Brown, Exh. A. He is the co-author of a satirical book on creationism entitled *Flock of Dodos: Behind Modern Creationism, Intelligent Design and the Easter Bunny.* As described by Alan Dershowitz, Felix Frankfurter Professor of Law at Harvard Law School, "Flock of Dodos is in the great tradition of debunkers with a sense of humor, from Thomas Paine to Mark Twain." *See Flock of Dodos* (book cover), Exh. B. Indeed, Mr. Brown's use of sarcasm, humor and

<sup>&</sup>lt;sup>1</sup> Mr. Brown enters these exhibits, mainly consisting of articles and commentary, for limited purpose of assisting the Court's determination in this matter, and not for the truth of the matter asserted by the statements therein.

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hyperbole, used often to describe serious subject matter, has caused his admirers (and critics) to compare him to journalism icons such as Hunter S. Thompson. *See, e.g.*, Peter Ludlow, *The Strange Case of Barrett Brown*, THE NATION, June 18, 2012, Exh. C.

At the time of his arrest, Mr. Brown had finished a manuscript for a book on the failures of American punditry, and was working on a book about *Anonymous*, described by the government as "a loosely associated hacktivist group."<sup>2</sup> *See* Summary Chart of Select Publications about Barrett Brown, Exh. D (Item #19). Mr. Brown's knowledge about *Anonymous* also generated a great deal of media attention, *see generally*, Exh. D, including an award winning cover story in Dallas-based "D Magazine." *See* Tim Rogers, *Barrett Brown is Anonymous*, D MAGAZINE, March 23, 2011, Exh. E.<sup>3</sup>

Mr. Brown is also the founder of Project PM, a collaborative web publication whose contributors conduct research using publically available materials. *See* Barrett Brown, *Project PM*, TRUE/SLANT, March 24, 2010, Exh. F ("The major goals are (a) to reduce the negative influence of incompetent yet nonetheless well-regarded pundits such as Thomas Friedman and Charles Krauthammer and (b) to increase the positive influence of the more capable segments of the blogosphere.") Project PM's reports came to focus on the private military and intelligence contracting industry. In addition to his book project on *Anonymous*, these issues had become the focus of Mr. Brown's work at the time of his arrest. *See, e.g.*, Exh. A (Items 22–23, 27–28, 30–31, 53–55, 53–55, 57–58, 60–66).

Mr. Brown's reporting and knowledge about *Anonymous*, in addition to the military and intelligence contracting industry, led to a number of media appearances on MSNBC, Fox News

<sup>&</sup>lt;sup>2</sup> The government uses the "Wikipedia" definition of *Anonymous* in their applications for search warrants.

<sup>&</sup>lt;sup>3</sup> Mr. Rogers won an American Society of Magazine Editors "National Magazine Award" in 2012 for his profile piece on Mr. Brown.

and other news networks. Prior to his arrest, he had also appeared as an interviewee in three recent documentary films: *We Are Legion* (2012), *Future Radicals* (2012), and *Terms and Conditions May Apply* (2013).

### B. Media Coverage of Mr. Brown's Case

In September of 2012, Mr. Brown was arrested. See DOJ Press Release, Exh. G

("Federal Grand Jury Charges Dallas Resident With Making An Internet Threat And Other Felony Offenses"). His arrest and subsequent indictment (12-CR-317) received a great deal of additional attention from the media. *See, e.g.*, Exh. D (Items 34–51). The December 2012 and January 2013 Indictments (12-CR-413 & 13-CR-030) brought further attention. *See, e.g.*, Exh. D (Items 54–71, 89–95). Members of the media wrote numerous articles about Mr. Brown, many of which expressed concern, and confusion over the nature of the charges. For example, Adrian Chen, a known as a critic of Mr. Brown, wrote:

As a journalist who covers hackers and has "transferred and posted" many links to data stolen by hackers—in order to *put them in stories about the hacks*—this indictment is frightening because it seems to criminalize linking. Does this mean if a hacker posts a list of stolen passwords and usernames to Pastebin, the popular document-sharing site, and I link to them in a story or tweet I could be charged with "trafficking in stolen authentication features," as Brown has been? (I wouldn't typically do this, but I've seen plenty of other bloggers and journalists who have.) Links to the credit card number list were widely shared on Twitter in the wake of the Stratfor hack—are all the people who tweeted links going to be rounded up and arrested, too?

Adrian Chen, Former Anonymous Spokesman Barrett Brown Indicted For Sharing a Link

to Stolen Credit Card Data, GAWKER, Dec. 7, 2012. Other journalists expressed alarm that Mr.

Brown's indictments were the result of prosecutorial abuse. For example, Glenn Greenwald of

the Guardian wrote:

The pending federal prosecution of 31-year-old Barrett Brown poses all new troubling risks. That's because Brown - who has been imprisoned since September on a 17- count indictment that could result in many years in prison - is a serious

journalist who has spent the last several years doggedly investigating the shadowy and highly secretive underworld of private intelligence and defense contractors, who work hand-in-hand with the agencies of the Surveillance and National Security State in all sorts of ways that remain completely unknown to the public. It is virtually impossible to conclude that the obscenely excessive prosecution he now faces is unrelated to that journalism and his related activism.

Glenn Greenwald, The Persecution of Barrett Brown - and How to Fight It,

GAURDIAN, March 21, 2013.

Media interest and commentary related to Mr. Brown's case, and specifically the nature

of the charges against Mr. Brown has not receded. Nor has it been limited to mainstream media

outlets. Organizations such as Reporters Without Borders and the Committee to Protect

Journalists have issued statements and commentary related to Mr. Brown's case. See Exh. D

(Items 119, 123, 135).

In addition, ongoing revelations of the NSA's mass data collection and surveillance

programs by Edward Snowden have brought further media attention to Mr. Brown's

investigative journalism. Journalists have made numerous connections between Mr. Brown's

research on military and intelligence contractors, and what is now being revealed as a result of

Mr. Snowden's leaks. For example, Charles P. Pierce noted in *Esquire*:

Brown [..] managed to reveal a staggering network of connections between the government and various private enterprises, all of which were using the privatized security apparatus that has developed in this country over the past two decades.

Charles P. Pierce, A Marriage of Convenience, ESQUIRE, June 20, 2013. See also Exh.

D (Items 113–121).

Finally—and perhaps paradoxically—the government's request for a gag order in this case has brought additional attention to Mr. Brown's case. *See, e.g.,* Exh. D (Items 127–135). For example, Geoffrey King, Internet Advocacy Coordinator for the Committee to Protect Journalists, writes:

Tomorrow, a federal judge will weigh a prosecutor's motion for a gag order in connection with the U.S. government's prosecution of journalist Barrett Brown. The motion represents a troubling turn in an already-troubling case for press freedom--a case that could criminalize the routine journalistic practice of linking to documents publicly available on the Internet, which would seem to be protected by the First Amendment to the U.S. Constitution under current doctrine.

See Exh. D, (Item 135);

#### C. Statements by the Government

The government has issued two press releases in this case. The government's first press release is an announcement of the 12-CR-317 Indictment. *See* Exh. G. The government's second press release, issued on December 7, 2012, related to the 12-CR-413 Indictment and is titled "Dallas Man Associated With Anonymous Hacking Group Faces Additional Federal Charges." *See* DOJ Press Release, Dec 7, 2012, Exh. H. Notably, the Indictment does not allege hacking, nor does it allege association between Mr. Brown and Anonymous. See *Id*.

#### D. Statements by Mr. Brown and the Defense.

While dozens of articles have been published about Mr. Brown's case since counsel's appearance on May 1, 2013, counsel for Mr. Brown has collectively given quotes in a handful of articles. Mr. Swift has given quotes to the Dallas Morning News. *See* Robert Wilonsky, Former JAG lawyer who took on Guantánamo Bay (and won) to become part of hacktivist Barrett Brown' s legal team, DALLAS MORNING NEWS, April 30, 2013, Exh. I; Month before hacktivist Barrett Brown's trial date in downtown Dallas, attorneys wrestle over delay, gag order, DALLAS MORNING NEWS, Aug. 9, 2013, Exh. J. In addition, Mr. Ghappour has given quotes to the UK Guardian, *see* Exh. K, and Rolling Stone. *See* Alex Zaitchik, Barrett Brown Faces Faces 105 Years in Jail (But No One Can Figure Out What Law He Broke), ROLLING STONE, Aug. 29, 2013, Exh. L.

Mr. Brown has published an opinion-editorial, a book review, and has given one quote, through his attorney, since counsel's entry into the case on May 1, 2013. In July, the Guardian published an article by Mr. Brown about the private intelligence industry and it's champions, entitled "The cyber-intelligence complex and its useful idiots." *See* Barrett Brown, The Cyber-Intelligence Complex and its Useful Idiots, GUARDIAN, July 1, 2013, Exh. M. More recently, VICE has published a book review by Mr. Brown entitled "Reading 'Born Again' in Jail." *See* Barrett Brown, Reading Born Again in Jail, VICE, Aug. 12, 2013, Exh. N. In addition, Mr. Brown has given a number of quotes to Rolling Stone through his attorney. *See* Exh. L.

#### ARGUMENT

#### A. Applicable Law

Trial courts have "an affirmative constitutional duty to minimize the effects of prejudicial pretrial publicity." *U.S. v. Brown*, 218 F.3d 415, 423 (5th Cir. 2000); *Gannett Co. v. DePasquale*, 99 S.Ct. 2898, 2904 (1979). This is because prejudicial pretrial publicity may taint the jury venire or affect the actual outcome of the trial. *Brown*, 218 F.3d at 423; *Gentile v. State Bar of Nevada*, 501 U.S. 1030, 1075 (1991). Execution of the trial court's duty must comport with First Amendment freedoms, which must instead be "applied in light of the special characteristics of the [relevant] environment." *Id.* at 424 (citing *Tinker v. Des Moines Indep. Community Sch. Dist.*, 89 S.Ct. 733, 736 (1969)). Although litigants do not "surrender their First Amendment rights at the courthouse door," *id.* at 424, citing *Seattle Times Co. v. Rhinehart*, 467 U.S. 20 (1984), courts may limit First Amendment freedoms where necessary to ensure a fair trial. *Id.* at 424.

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In *Brown*, the Fifth Circuit held that a district court may impose a gag order on trial participants only if it finds that (1) extrajudicial commentary by those individuals "would present a substantial likelihood of prejudicing the court's ability to conduct a fair trial," *and* (2) the order is narrowly tailored and the least restrictive means available. *Brown*, 218 F.3d at 427-28. Applying this standard to the facts here shows that a gag order is unwarranted, as elaborated below. The *Brown* Court adopted this standard to both lawyers and parties only where "the court's overriding interest is in preserving a fair trial and the potential prejudice caused by extrajudicial commentary does not significantly depend on the status of the speaker as a lawyer or party." *Id.* 

Restrictions of statements *unrelated* to a party's trial is a prior restraint—a predetermined judicial prohibition restraining specified expression—that faces a well-established presumption against it's constitutionality. *See Id.* at 425 (citations omitted). In general, a prior restraint (usually directed at the press) will be upheld only if the government can establish that "the activity restrained poses either a clear and present danger or a serious and imminent threat to a protected competing interest." *Id.* The government must also establish that the order has been narrowly drawn and is the least restrictive means available. *See id.* (citations omitted).

#### **B.** Application

#### 1. Mr. Brown's Statements Do Not Warrant a Gag Order

Since May of 2013, Mr. Brown has made three statements to the media, two of which where journalistic articles that did not concern his trial in any way whatsoever, and one of which did not remotely have the effect of tainting the jury venire.

a. Mr. Brown has a Core First Amendment Right to Write Journalistic Articles that are Unrelated to His Case.

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As stated supra, Mr. Brown wrote an op-ed that was published by the Guardian on July 1,

2013 by the Guardian. See Exh. M. The op-ed concerned what Mr. Brown terms the "cyber-

industrial complex," and begins:

It's a fine thing to see mainstream American media outlets finally sparing some of their attention toward the cyber-industrial complex – that unprecedented conglomeration of state, military and corporate interests that together exercise growing power over the flow of information. It would be even more heartening if so many of the nation's most influential voices, from senator to pundits, were not clearly intent on killing off even this belated scrutiny into the invisible empire that so thoroughly scrutinizes us – at our own expense and to unknown ends.

Summing up the position of those who worry less over secret government powers than they do over the whistleblowers who reveal such things, we have New York Times columnist Thomas Friedman, who argues that we can trust small cadres of unaccountable spies with broad powers over our communications. We must all wish Friedman luck with this prediction. Other proclamations of his – including that Vladimir Putin would bring transparency and liberal democracy to Russia, and that the Chinese regime would not seek to limit its citizens' free access to the internet – have not aged especially well.

*Id.* at 1.

The op-ed goes on for several pages, but contains no statements whatsoever about this

trial, the charges underlying the indictment, the alleged acts underlying the three indictments

against Mr. Brown, or even facts arguably related to this prosecution.

Mr. Brown also wrote a book review on Chuck Colson's Born Again. See Exh. N. It was

published by VICE on Aug. 12, 2013. The book review contained no statements about this trial,

the charges underlying the indictment, or the alleged acts underlying the three indictments

against Mr. Brown.

Neither publication concerns the trial, and therefore does not fall under the government's proposed gag order. In addition, neither publication "poses either a clear and present danger or a serious and imminent threat to a protected competing interest." Nor do they create a substantial likelihood of prejudice to a fair trial, because they do not relate to his case.

b. There Is No Substantial Likelihood of Prejudice to a Fair Trial From Mr. Brown's Public Statements Since May 1, 2013

As stated supra, Mr. Brown gave quotes for an article in Rolling Stone magazine. Those

quotes were:

I'm not worried, or panicked. It's not clear to me that I've committed a crime, or even what crime they're charging me with;

For a long time, the one thing I was happy *not* to see in here was a computer. It appears as though the Internet has gotten me into some trouble;

In any case, this is all much bigger than me. As I say here. This is the kind of world that's coming if we continue to avert our eyes. And it promises to get much worse; and

Prison is great for reading and for thought, until they start in with their Pentecostal nonsense. It ruins everything.

*See* Exh. L at 2, 4, 6.

Although these quotes concerned this case, they did not provide any factual information,

comment on any specific evidence whether testimonial or documentary, or make any arguments

about the legal merits.

### 2. Statements Made By Mr. Brown's Attorneys Do Not Warrant a Gag Order.

As stated supra, Messrs. Ghappour and Swift's statements are contained in Exhibits I-L.

Although these quotes concerned this case, they did not provide any factual information,

comment on any specific evidence whether testimonial or documentary, or make any arguments

about the legal merits. As such, no substantial likelihood of prejudice to a fair trial exists as a

result of these statements.

# **3.** There are Other Less Restrictive Means Available than the Government's Requested Gag Order.

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Despite the arguments above, if the court nevertheless has strong concerns that the pretrial publicity could prejudice either the outcome of the trial or the jury venire, *Gentile v*. *State Bar of Nevada*, 501 U.S. 1030, 1075 (1991), there are less restrictive means available to address those concerns. Among the less restrictive means to imposing prior restraints on speech, for the purposes of eliminating or reducing the impact of prejudicial pretrial publicity, are: "searching" voir dire, "emphatic" jury instructions, jury sequestration, and even change of venue. *Brown*, 218 F.3d at 430-31; *Gentile*, 501 U.S. at 1075.

Here, the government has not made any showing as to why any of these alternative means would not suffice to adequately manage any concerns about prejudicial pretrial publicity. Indeed, in light of the lack of prejudicial statements by either defendant or his counsel, as detailed above, the parties should *at least* engage in "searching" *voir dire* before determining whether that procedure, along with other possibilities such as jury sequestration, would be inadequate to address concerns about prejudicial publicity. In the absence of any showing that the less restrictive means would not be adequate to address such concerns, the Court should decline to issue a gag order.

### 4. In the Alternative, If The Court Issues a Gag Order, It Must Ensure That The Gag Order Is Narrowly Tailored

As explained herein, defendant believes that a gag order is unwarranted because there is no substantial, or even reasonable, likelihood of prejudice to a fair trial based on statements made by defendant or his counsel since May 1, 2013.

If the court concludes despite defendant's arguments that a gag order is warranted, such a gag order must be "narrowly tailored." *Brown*, 218 F.3d at 428. A narrowly tailored gag order would only restrict First Amendment protected speech and expression by the defendant and his counsel to the extent necessary. Texas Disciplinary Rule of Professional Conduct 3.07, entitled

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"Trial Publicity," already imposes on lawyers certain ethical obligations relating to the types of statements that may and may not be made in all trials, including criminal trials.<sup>4</sup> Rule 3.07, is explicitly formulated in order to preserve the litigants' constitutional rights to a fair trial while balancing that need with free speech rights. *See* Rule 3.07, Comments 1, 2. In addition to containing a general prohibition against prejudicial statements, the Rule also forbids five types of statements, and clarifies what types of extrajudicial statements are allowed:

(b) A lawyer ordinarily will violate paragraph (a), and the likelihood of a violation increases if the adjudication is ongoing or imminent, by making an extrajudicial statement of the type referred to in that paragraph when the statement refers to:

(1) the character, credibility, reputation or criminal record of a party, suspect in a criminal investigation or witness; or the expected testimony of a party or witness;

(2) in a criminal case or proceeding that could result in incarceration, the possibility of a plea of guilty to the offense; the existence or contents of any confession, admission, or statement given by a defendant or suspect; or that person's refusal or failure to make a statement;

(3) the performance, refusal to perform, or results of any examination or test; the refusal or failure of a person to allow or submit to an examination or test; or the identity or nature of physical evidence expected to be presented;

(4) any opinion as to the guilt or innocence of a defendant or suspect in a criminal case or proceeding that could result in incarceration; or

(5) information the lawyer knows or reasonably should know is likely to be inadmissible as evidence in a trial and would if disclosed create a substantial risk of prejudicing an impartial trial.

(c) A lawyer ordinarily will not violate paragraph (a) by making an extrajudicial statement of thetype referred to in that paragraph when the lawyer merely states:

(1) the general nature of the claim or defense;

<sup>&</sup>lt;sup>4</sup> The Texas Disciplinary Rules of Professional Conduct are available at http://webcache.googleusercontent.com/search?q=cache:6VtneCZVXzQJ:www.texasbar.com/A M/Template.cfm%3FSection%3DGrievance\_Info\_and\_Ethics\_Helpline%26Template%3D/CM/ ContentDisplay.cfm%26ContentFileID%3D96+&cd=1&hl=en&ct=clnk&gl=us} (last visited September 2, 2013).

(2) the information contained in a public record;

(3) that an investigation of the matter is in progress, including the general scope of theinvestigation, the offense, claim or defense involved;

(4) except when prohibited by law, the identity of the persons involved in the matter;

(5) the scheduling or result of any step in litigation

Rule 3.07(b-c).

To the extent that any gag order is necessary, it should be no broader than Rule 3.07 because this Rule properly balances the public's right to information on the trial, the litigants' rights to free speech, and the parties' right to a fair trial with a jury untainted by prejudicial publicity. If the court issues a gag order, it should match the wording of Rule 3.07.

### CONCLUSION

For the reasons set forth above, the Mr. Brown respectfully request that the Court

deny the government's request for a gag order.

Respectfully submitted,

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### CERTIFICATE OF SERVICE

I certify that today, September 4, 2013, I filed the instant motion using the Northern District of Texas's electronic filing system (ECF) which will send a notice of filing to all counsel of record.

/s/ Ahmed Ghappour AHMED GHAPPOUR /s/ Charles Swift CHARLES SWIFT /s/ Marlo P. Cadeddu MARLO P. CADEDDU Attorneys for Barrett Lancaster Brown

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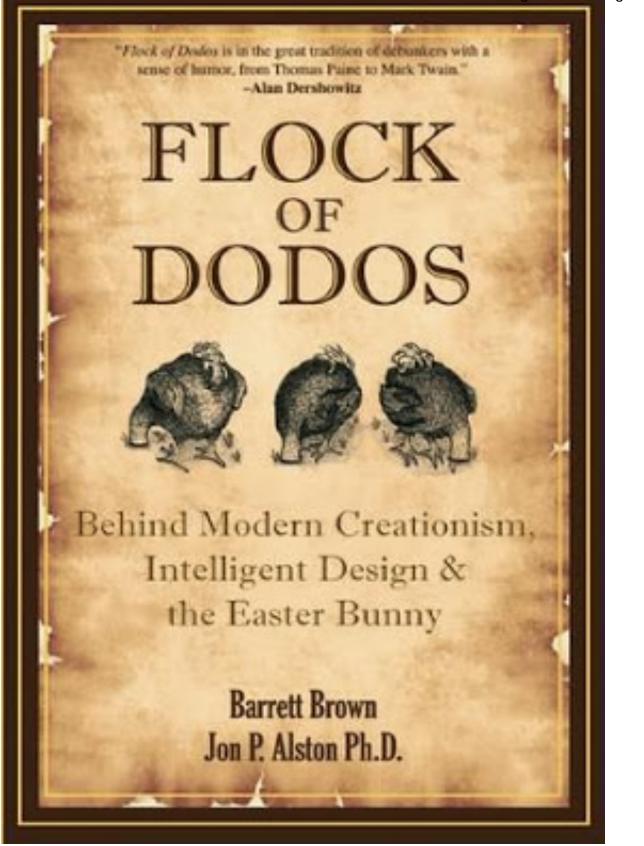
Exhibit	Date	Title	Source	URL
1	3/4/2009	Thomas Friedman's Five Worst Predictions	Vanity Fair	http://www.vanityfair.com/online/daily/2009/03/friedmans- follies
2		The 10 Best Political Videos You've (Probably) Never Seen	Vanity Fair	http://www.vanityfair.com/online/daily/2009/04/the-10-best- political-videos-youve-probably-never-seen
3		Conservapedia, Bastion of the Reality-Denying Right	Vanity Fair	http://www.vanityfair.com/online/daily/2009/04/conservapedia- bastion-of-the-realitydenying-right
4		Intelligent Design, Online Edition	Huffington Post	http://www.huffingtonpost.com/barrett-brown/intelligent-design online_b_253515.html
5	8/14/2009	The Trouble With Charles Krauthammer	Vanity Fair	http://www.vanityfair.com/online/daily/2009/08/the-trouble- with-charles-krauthammer
6	8/19/2009	The Incredible Failures of Charles Krauthammer	Huffington Post	http://www.huffingtonpost.com/barrett-brown/the-incredible- failures-o_b_259806.html
7	8/25/2009	New Republic Editor Martin Peretz Blasts Someone For Something, Sort Of	Huffington Post	http://www.huffingtonpost.com/barrett-brown/new-republic- editor-marti_b_268159.html
8	8/27/2009	Weekly Standard Accidentally Comes Out Against Drug War	Huffington Post	http://www.huffingtonpost.com/barrett-brown/iweekly- standardi-acciden_b_270896.html
9	8/29/2009	National Review Changes Stance on Death Jokes	Huffington Post	http://www.huffingtonpost.com/barrett-brown/inational-reviewichanges_b_272093.html
10	9/5/2009	Stanley Kurtz Tries to Tie Gay Marriage to Divorce, Accidentally Proves Opposite	Huffington Post	http://www.huffingtonpost.com/barrett-brown/stanley-kurtz- tries-to-ti_b_277138.html
11	9/8/2009	One Fish, Two Fish, Red Fish, Oliver North is a Nut	Huffington Post	http://www.huffingtonpost.com/barrett-brown/one-fish-two-fish red-fis_b_278160.html
12	9/11/2009	Confessions of a Phony Internet Muslim	Huffington Post	http://www.huffingtonpost.com/barrett-brown/confessions-of-a phony-in_b_283585.html
13	9/19/2009	Robert McCain Fine With Pregnancy Among Religious Teens, Just Not Minority Teens	Huffington Post	http://www.huffingtonpost.com/barrett-brown/robert-mccain- fine-with-p_b_290261.html
14	10/6/2009	Protein Wisdom and the Radness of Crowds	Huffington Post	http://www.huffingtonpost.com/barrett-brown/protein-wisdom- and-the-ra_b_309112.html
15	10/14/2009	Robert Stacy McCain and the Fall of the Conservative Movement	Huffington Post	http://www.huffingtonpost.com/barrett-brown/robert-stacy- mccain-and-t_b_319987.html
16	10/24/2009	In Which I Try My Hand at Cartooning and Encounter Crazy People	Huffington Post	http://www.huffingtonpost.com/barrett-brown/in-which-i-try-my hand-at_b_332647.html
17	10/29/2009	Confederate Group League of the South Gets All Up in My Face and Whatnot	Huffington Post	http://www.huffingtonpost.com/barrett-brown/confederate- group-league_b_335747.html
18	10/30/2009	Charles Krauthammer Forgets His Place	Huffington Post	http://www.huffingtonpost.com/barrett-brown/charles- krauthammer-forge_b_337729.html
19		Charles Krauthammer Continues to Fail	Huffington Post	http://www.huffingtonpost.com/barrett-brown/charles- krauthammer-conti_b_415651.html
20		Friedman Makes Another China Prediction Despite Past Failures With Same	Huffington Post	http://www.huffingtonpost.com/barrett-brown/friedman-makes- another-ch_b_425791.html
21		Ex-Conservative Charles Johnson's Next Crusade	Vanity Fair	http://www.vanityfair.com/online/daily/2010/01/ex- conservative-charles-johnsons-next-crusade
22	2/10/2010	Anarchy in the Everyday; The Late, Great Nation State	True/Slant	http://trueslant.com/barrettbrown/2010/02/10/anarchy-in-the- everyday-the-late-great-nation-state/
23	2/11/2010	Anonymous, Australia, and the Inevitable Fall of the Nation-State	Huffington Post	http://www.huffingtonpost.com/barrett-brown/anonymous- australia-and-t_b_457776.html
24	2/23/2010	Conservative Blogger Sides With Church of Scientology Over Real World	Huffington Post	http://www.huffingtonpost.com/barrett-brown/conservative- blogger-side_b_472675.html
25	3/17/2010	Friedman's Failures Remain Relevant	Huffington Post	http://www.huffingtonpost.com/barrett-brown/friedmans- failures-remain_b_493552.html
26		The Internet and the Republic of Skepticism, Part One	Skeptical Inquirer	http://www.csicop. org/specialarticles/show/internet_and_the_republic_of_skeptic
27	3/24/2010	Project PM	True/Slant	http://trueslant.com/barrettbrown/2010/03/24/project-pm/

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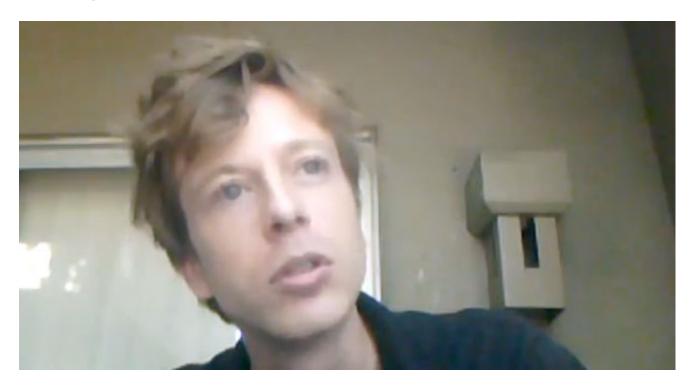
				http://www.huffingtonpost.com/barrett-brown/cia-state-
28	3/25/2010	CIA, State Department Apparently Acting on Plan to Destroy Wikileaks	Huffington Post	department-appa_b_512050.html
29	3/29/2010	Conservative Bloggers Rediscover Term 'Allegedly'	Huffington Post	http://www.huffingtonpost.com/barrett-brown/conservative- bloggers-red_b_517895.html
30		Wikileaks Blows Whistle; Most Miss the Point	Huffington Post	http://www.huffingtonpost.com/barrett-brown/wikileaks-blows- whistle-o_b_525066.html
				http://www.huffingtonpost.com/barrett-brown/wikileaks-and-
31	4/13/2010	Wikileaks and War; Secrecy and Context	Huffington Post	war-secrecy_b_534627.html http://www.csicop.
32	5/3/2010	The Internet and the Republic of Skepticism, Part Two	Skeptical Inquirer	org/specialarticles/show/internet_and_the_republic_of_skeptic
33		A Proposal for a Minor Revolution in Human Affairs	Huffington Post	http://www.huffingtonpost.com/barrett-brown/a-proposal-for-a- minor-re_b_566400.html
34	5/7/2010	Why Humorists Target Christianity Over Islam	Huffington Post	http://www.huffingtonpost.com/barrett-brown/why-humorists- target-chri_b_566924.html
35	5/15/2010	Just This Once, Let Us Do the Reasonable Thing	True/Slant	http://trueslant.com/barrettbrown/2010/05/15/just-this-once-let- us-do-the-reasonable-thing/
36		Michelle Malkin Enraged at Mere Arab Winning Miss USA	Huffington Post	http://www.huffingtonpost.com/barrett-brown/michelle-malkin- enraged-a b 579655.html
27	E/04/0040	Duitainle ICundementel Depattlement of Diakte	Livifington Deet	http://www.huffingtonpost.com/barrett-brown/britains-
37	5/21/2010	Britain's 'Fundamental Resettlement' of Rights	Huffington Post	fundamental-rese_b_581914.html http://www.huffingtonpost.com/barrett-brown/israel-president-
38	6/3/2010	Israel President Claims Soldiers Did 'Nothing' to Dead Passengers	Huffington Post	claims-s_b_598363.html
39	6/15/2010	Atlas Shrugged Filming Begins, Will it Be Worse Than Book	Huffington Post	http://www.huffingtonpost.com/barrett-brown/atlas-shrugged- filming-be_b_613017.html
40	6/15/2010	New Book Blasts Intelligent Design Dishonesty	Huffington Post	http://www.huffingtonpost.com/barrett-brown/new-book-blasts- intellige_b_613437.html
41	6/21/2010	Zuckerman Blasts Obama for Bush Mistakes	Huffington Post	http://www.huffingtonpost.com/barrett-brown/zuckerman- blasts-obama-fo_b_618350.html
42	6/23/2010	Why the Hacks Hate Michael Hastings	Vanity Fair	http://www.vanityfair.com/online/daily/2010/06/why-the-hacks- hate-michael-hastings
40	0/00/0040			http://www.csicop.
43		A Tale of Two Internets	Skeptical Inquirer	org/specialarticles/show/a_tale_of_two_internets/
44		Flavor of the Week, Fireside Chatrooms Sarah Palin as Margaret Thatcher, So Be It	New York Press	http://nypress.com/flavor-of-the-week-fireside-chatrooms/ http://www.huffingtonpost.com/barrett-brown/sarah-palin-as-
45	1119/2010	Salah Falih as Margalet Matcher, So be it	Huffington Post	margaret-t_b_647844.html http://www.csicop.
46	8/20/2010	Skepticism is Best Left to the Skeptics	Skeptical Inquirer	org/specialarticles/show/skepticism_is_best_left_to_the_skept
47	0/44/0040	Concernative Dian Fight Draves Evister	Liuffinater Dest	http://www.huffingtonpost.com/barrett-brown/conservative-
47	9/14/2010	Conservative Blog Fight Proves Existence of God	Huffington Post	blog-fight-p_b_716424.html http://www.huffingtonpost.com/barrett-brown/krauthammer-
48	10/2/2010	Krauthammer Makes New Prediction Regarding Failed Old Prediction	Huffington Post	makes-new-pre_b_747512.html
49		Atheist House Candidate Up Against Pillar of Prayer Caucus	Huffington Post	http://www.huffingtonpost.com/barrett-brown/atheist-house- candidate-u_b_753629.html
				http://www.csicop.
		A Modern Solution to An Age-Old Problem	Skeptical Inquirer	org/specialarticles/show/a_modern_solution_to_an_age_old_p http://www.huffingtonpost.com/barrett-brown/my-final-
51	10/20/2010	My Final Response to Robert Stacy McCain Regarding His Racism	Huffington Post	response-to-robe_b_327819.html http://ordinary-gentlemen.com/blog/2010/12/04/a-tribute-to-
52	12/4/2010	A Tribute to Sean Carasov	Ordinary Gentlemen	sean-carasov
53	12/8/2010	The Aims of Anonymous	Huffington Post	http://www.huffingtonpost.com/barrett-brown/the-aims-of- anonymous_b_794182.html
54		Anonymous preparing for new Wikileaks effort	Ordinary Times	http://ordinary-gentlemen.com/blog/2010/12/08/anonymous- preparing-for-new-wikileaks-effort
57	12/0/2010			http://www.theguardian.
	40/07/0040	Na an a fada anta ata di suan na data ni an		com/commentisfree/cifamerica/2010/dec/26/american-civil-
55	12/27/2010	Neoconfederate civil war revisionism	The Guardian	war-usa

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56	12/3/2010	Palin biographer accuses me of planning anti-government violence	Huffington Post	http://www.huffingtonpost.com/barrett-brown/palin-biographer- accuses- b 791741.html
57		Anonymous, a net gain for liberty	The Guardian	http://www.theguardian. com/commentisfree/cifamerica/2011/jan/27/anonymous- internet
58		Anonymous and the global correction	Al Jazeera	http://www.aljazeera. com/indepth/opinion/2011/02/201121321487750509.html
59	2/16/2011	Skepticism in the Face of Evidence Is No Virtue	Skeptical Inquirer	http://www.csicop. org/specialarticles/show/skepticism_in_the_face_of_evidence_i
60	2/17/2011	How Anonymous hacked the security firm hacker	The Guardian	http://www.theguardian. com/commentisfree/cifamerica/2011/feb/17/wikileaks-internet
61	5/6/2011	Sony's Anonymous claim, a health warning	The Guardian	http://www.theguardian. com/commentisfree/cifamerica/2011/may/06/anonymous-sony http://www.theguardian.
62	6/22/2011	A sinister cyber-surveillance scheme exposed	The Guardian	com/commentisfree/cifamerica/2011/jun/22/hacking- anonymous
63	6/22/2011	Romas/COIN	Project PM	http://wiki.echelon2.org/wiki/Romas/COIN
64	10/9/2011	A virtual secret state, the military-industrial complex 2.0	The Guardian	http://www.theguardian. com/commentisfree/cifamerica/2011/oct/09/virtual-secret- state-military-industrial
65	4/20/2012	The cyber misinformation campaign against USA Today	The Guardian	http://www.theguardian. com/commentisfree/cifamerica/2012/apr/20/cyber- misinformation-campaign-against-usa-today
66		Cybersecurity and the intelligence community's nefarious purposes	The Guardian	http://www.theguardian. com/commentisfree/2012/jul/11/cybersecurity-intelligence- community-nefarious-purposes
67		The cyber-intelligence complex and its useful idiots	The Guardian	http://www.theguardian.com/commentisfree/2013/jul/01/cyber- intelligence-complex-useful-idiots
68		Reading 'Born Again' In Jail	VICE	http://www.vice.com/read/reading-born-again-in-jail-by-barrett- brown-chuck-colson



# The Strange Case of Barrett Brown



Barrett Brown. (Photo courtesy of Barrett Brown's YouTube channel.)

In early 2010, journalist and satirist Barrett Brown was working on a book on political pundits, when the hacktivist collective Anonymous caught his attention. He soon began writing about its activities and potential. In a defense of the group's anti-censorship operations in Australia published on February 10, Brown declared, "I am now certain that this phenomenon is among the most important and under-reported social developments to have occurred in decades, and that the development in question promises to threaten the institution of the nation-state and perhaps even someday replace it as the world's most fundamental and relevant method of human organization."

By then, Brown was already considered by his fans to be the Hunter S. Thompson of his generation. In point of fact he wasn't like Hunter S. Thompson, but was more of a throwback—a sharp-witted, irreverent journalist and satirist in the mold of Ambrose Bierce or Dorothy Parker. His acid tongue was on display in his co-authored 2007 book, *Flock of Dodos: Behind Modern Creationism, Intelligent Design and the Easter Bunny,* in which he declared: "This will not be a polite book. Politeness is wasted on the dishonest,

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who will always take advantage of any well-intended concession."

But it wasn't Brown's acid tongue so much as his love of minutiae (and ability to organize and explain minutiae) that would ultimately land him in trouble. Abandoning his book on pundits in favor of a book on Anonymous, he could not have known that delving into the territory of hackers and leaks would ultimately lead to his facing the prospect of spending the rest of his life in prison. In light of the bombshell revelations published by Glenn Greenwald and Barton Gellman about government and corporate spying, Brown's case is a good—and underreported—reminder of the considerable risk faced by reporters who report on leaks.

In February 2011, a year after Brown penned his defense of Anonymous, and against the background of its actions during the Arab Spring, Aaron Barr, CEO of the private intelligence company HBGary, claimed to have identified the leadership of the hacktivist collective. (In fact, he only had screen names of a few members). Barr's boasting provoked a brutal hack of HBGary by a related group called Internet Feds (it would soon change its name to "LulzSec"). Splashy enough to attract the attention of *The Colbert Report*, the hack defaced and destroyed servers and websites belonging to HBGary. Some 70,000 company e-mails were downloaded and posted online. As a final insult to injury, even the contents of Aaron Barr's iPad were remotely wiped.

The HBGary hack may have been designed to humiliate the company, but it had the collateral effect of dropping a gold mine of information into Brown's lap. One of the first things he discovered was a plan to neutralize Glenn Greenwald's defense of Wikileaks by undermining them both. ("Without the support of people like Glenn, wikileaks would fold," read one slide.) The plan called for "disinformation," exploiting strife within the organization and fomenting external rivalries—"creating messages around actions to sabotage or discredit the opposing organization," as well as a plan to submit fake documents and then call out the error." Greenwald, it was argued, "if pushed," would "choose professional preservation over cause."

Other plans targeted social organizations and advocacy groups. Separate from the plan to target Greenwald and WikiLeaks, HBGary was part of a consortia that submitted a proposal to develop a "persona management" system for the United States Air Force, that would allow one user to control multiple online identities for commenting in social The Strange Case of Case of Case of Case of Case of 7 Page DOG 17-L Document 90-3 Filed 09/04/13 Page 3 of 7 Page D 477 9/2/13 12:53 РМ

media spaces, thus giving the appearance of grassroots support or opposition to certain policies.

The data dump from the HBGary hack was so vast that no one person could sort through it alone. So Brown decided to crowdsource the effort. He created a wiki page, called it ProjectPM, and invited other investigative journalists to join in. Under Brown's leadership, the initiative began to slowly untangle a web of connections between the US government, corporations, lobbyists and a shadowy group of private military and information security consultants.

One connection was between Bank of America and the Chamber of Commerce. WikiLeaks had claimed to possess a large cache of documents belonging to Bank of America. Concerned about this, Bank of America approached the United States Department of Justice. The DOJ directed it to the law and lobbying firm Hunton and Williams, which does legal work for Wells Fargo and General Dynamics and also lobbies for Koch Industries, Americans for Affordable Climate Policy, Gas Processors Association, Entergy among many other firms. The DoJ recommended that Bank of America hire Hunton and Williams, explicitly suggesting Richard Wyatt as the person to work with. Wyatt, famously, was the lead attorney in the Chamber of Commerce's lawsuit against the Yes Men.

In November 2010, Hunton and Williams organized a number of private intelligence, technology development and security contractors—HBGary, plus Palantir Technologies, Berico Technologies and, according to Brown, a secretive corporation with the ominous name Endgame Systems—to form "Team Themis"—'themis' being a Greek word meaning "divine law." Its main objective was to discredit critics of the Chamber of Commerce, like Chamber Watch, using such tactics as creating a "false document, perhaps highlighting periodical financial information," giving it to a progressive group opposing the Chamber, and then subsequently exposing the document as a fake to "prove that US Chamber Watch cannot be trusted with information and/or tell the truth." In addition, the group proposed creating a "fake insider persona" to infiltrate Chamber Watch. They would "create two fake insider personas, using one as leverage to discredit the other while confirming the legitimacy of the second." The leaked e-mails showed that similar disinformation campaigns were being planned against WikiLeaks and Glenn Greenwald.

It was clear to Brown that these were actions of questionable legality, but beyond that, government contractors were attempting to undermine Americans' free speech—with the apparent blessing of the DOJ. A group of Democratic congressmen asked for an investigation into this arrangement, to no avail.

By June 2011, the plot had thickened further. The FBI had the goods on the leader of LulzSec, one Hector Xavier Monsegur, who went under the nom de guerre *Sabu*. The FBI arrested him on June 7, 2011, and (according to court documents) turned him into an informant the following day. Just three days before his arrest, Sabu had been central to the formation of a new group called AntiSec, which comprised his former LulzSec crew members, as well as members as Anonymous. In early December AntiSec hacked the website of a private security company called Stratfor Global Intelligence. On Christmas Eve, it released a trove of some 5 million internal company e-mails. AntiSec member and Chicago activist Jeremy Hammond has pled guilty to the attack and is currently facing ten years in prison for it.

The contents of the Stratfor leak were even more outrageous than those of the HBGary hack. They included discussion of opportunities for renditions and assassinations. For example, in one video, Statfor's vice president of intelligence, Fred Burton, suggested taking advantage of the chaos in Libya to render Lockerbie bomber Abdelbaset al-Megrahi, who had been released from prison on compassionate grounds due to his terminal illness. Burton said that the case "was personal." When someone pointed out in an e-mail that such a move would almost certainly be illegal—"This man has already been tried, found guilty, sentenced…and served time"—another Stratfor employee responded that this was just an argument for a more efficient solution: "One more reason to just bugzap him with a hellfire. :-)"

(Stratfor employees also seemed to take a keen interest in Jeremy Scahill's writings about Blackwater in *The Nation*, copying and circulating entire articles, with comments suggesting a principle interest was in the question of whether Blackwater was setting up a competing intelligence operation. E-mails also showed grudging respect for Scahill: "Like or dislike Scahill's position (or what comes of his work), he does an amazing job outing [Blackwater].")

When the contents of the Stratfor leak became available, Brown decided to put Pro-

jectPM on it. A link to the Stratfor dump appeared in an Anonymous chat channel; Brown copied it and pasted it into the private chat channel for ProjectPM, bringing the dump to the attention of the editors.

Brown began looking into Endgame Systems, an information security firm that seemed particularly concerned about staying in the shadows. "Please let HBGary know we don't ever want to see our name in a press release," one leaked e-mail read. One of its products, available for a \$2.5 million annual subscription, gave customers access to "zero-day exploits"—security vulnerabilities unknown to software companies—for computer systems all over the world. Business Week published a story on Endgame in 2011, reporting that "Endgame executives will bring up maps of airports, parliament buildings, and corporate offices. The executives then create a list of the computers running inside the facilities, including what software the computers run, and a menu of attacks that could work against those particular systems." For Brown, this raised the question of whether Endgame was selling these exploits to foreign actors and whether they would be used against computer systems in the United States. Shortly thereafter, the hammer came down.

The FBI acquired a warrant for Brown's laptop, gaining the authority to seize any information related to HBGary, Endgame Systems, Anonymous and, most ominously, "email, email contacts, 'chat', instant messaging logs, photographs, and correspondence." In other words, the FBI wanted his sources.

When the FBI went to serve Brown, he was at his mother's house. Agents returned with a warrant to search his mother's house, retrieving his laptop. To turn up the heat on Brown, the FBI initiated charges against his mother for obstruction of justice for concealing his laptop computer in her house. (Facing criminal charges, on March 22, 2013, his mother, Karen McCutchin, pled guilty to one count of obstructing the execution of a search warrant. She faces up to twelve months in jail. Brown maintains that she did not know the laptop was in her home.)

By his own admission, the FBI's targeting of his mother made Brown snap. In September 2012, he uploaded an incoherent YouTube video, in which he explained that he had been in treatment for an addiction to heroin, taking the medication Suboxone, but had gone off his meds and now was in withdrawal. He threatened the FBI agent that was ha-

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rassing his mother, by name, warning:

"I know what's legal, I know what's been done to me.... And if it's legal when it's done to me, it's going to be legal when it's done to FBI Agent Robert Smith—who is a criminal."

"That's why [FBI special agent] Robert Smith's life is over. And when I say his life is over, I'm not saying I'm going to kill him, but I am going to ruin his life and look into his fucking kids.... How do you like them apples?"

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The media narrative was immediately derailed. No longer would this be a story about the secretive information-military-industrial complex; now it was the sordid tale of a crazy drug addict threatening an FBI agent and his (grown) children. Actual death threats against agents are often punishable by a few years in jail. But Brown's actions made it easier for the FBI to sell some other pretext to put him away for life.

The Stratfor data included a number of unencrypted credit card numbers and validation codes. On this basis, the DOJ accused Brown of credit card fraud for having shared that link with the editorial board of ProjectPM. Specifically, the FBI charged him with traffic in stolen authentication features, access device fraud and aggravated identity theft, as well as an obstruction of justice charge (for being at his mother's when the initial warrant was served) and charges stemming from his threats against the FBI agent. All told, Brown is looking at century of jail time: 105 years in federal prison if served sequentially. He has been denied bail.

Considering that the person who carried out the actual Stratfor hack had several priors and is facing a maximum of ten years, the inescapable conclusion is that the problem is not with the hack itself but with Brown's journalism. As Glenn Greenwald remarked in*The Guardian*: "It is virtually impossible to conclude that the obscenely excessive prosecution he now faces is unrelated to that journalism and his related activism."

Today, Brown is in prison and ProjectPM is under increased scrutiny by the DOJ, even as its work has ground to a halt. In March, the DOJ served the domain hosting service CloudFlare with a subpoena for all records on the ProjectPM website, and in particular asked for the IP addresses of everyone who had accessed and contributed to ProjectPM, describing it as a "forum" through which Brown and others would "engage in, encourage, or facilitate the commission of criminal conduct online." The message was clear: Anyone else who looks into this matter does so at their grave peril.

Some journalists are now understandably afraid to go near the Stratfor files. The broader implications of this go beyond Brown; one might think that what we are looking at is Cointelpro 2.0—an outsourced surveillance state—but in fact it's worse. One can't help but infer that the US Department of Justice has become just another security contractor, working alongside the HBGarys and Stratfors on behalf of corporate bidders, with no sense at all for the justness of their actions; they are working to protect corporations and private security contractors and give them license to engage in disinformation campaigns against ordinary citizens and their advocacy groups. The mere fact that the FBI's senior cybersecurity advisor has recently moved to Hunton and Williams shows just how incestuous this relationship has become. Meanwhile, the Department of Justice is *also* using its power and force to trample on the rights of citizens like Barrett Brown who are trying to shed light on these nefarious relationships. In order to neutralize those who question or investigate the system, laws are being reinterpreted or extended or otherwise misappropriated in ways that are laughable—or would be if the consequences weren't so dire.

While the media and much of the world have been understandably outraged by the revelation of the NSA's spying programs, Barrett Brown's work was pointing to a much deeper problem. It isn't the sort of problem that can be fixed by trying to tweak a few laws or by removing a few prosecutors. The problem is not with bad laws or bad prosecutors. What the case of Barrett Brown has exposed is that we confronting a different problem altogether. It is a systemic problem. It is the failure of the rule of law.

Journalist Michael Hastings, 33, died in a car crash yesterday. Read Greg Mitchell's obituary here.

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Exhibit	Date	Title	Source	URL
1	2/10/2011	FBI Tracks Internet Activists Known As 'Anonymous'	NPR	http://www.npr.org/2011/02/10/133644850/FBI-Tracks- Internet-Activists-Known-As-Anonymous
2	3/4/2011	Anonymous plans defense for Bradley Manning, promises a media war	The Tech Herald	http://www.thetechherald.com/articles/Anonymous- plans-defense-for-Bradley-Manning-promises-a-media- war/12991/
3	3/7/2011	Anonymous Hackers Target Alleged WikiLeaker Bradley Manning's Jailers	Forbes	http://www.forbes. com/sites/andygreenberg/2011/03/07/anonymous- hackers-target-alleged-wikileaker-bradley-mannings- iailers/
4		US probes Anonymous plans for attack on marines	Financial Times	http://www.ft.com/cms/s/0/82343fba-491a-11e0-af8c- 00144feab49a.html
5	3/8/2011	Hacker group vows 'cyberwar' on US, businesses	NBC News	http://www.nbcnews. com/id/41972190/ns/technology_and_science- security/t/hacker-group-vows-cyberwar-us-government- business/#.UiYeHj-wViQ
6	3/9/2011	Anonymous to Hit Quantico Over Manning Treatment, Activist hackers planning attack brig where WikiLeaker is being held	Newser	http://www.newser.com/story/113689/anonymous- threatens-cyberwar-over-militarys-treatment-of-bradley- manning.html
7		Barrett Brown is Anonymous	D Magazine	http://www.dmagazine. com/Home/D_Magazine/2011/April/How_Barrett_Brown http://darkernet.in/hammond-brown-swartz-assange-
8	3/29/2011	Hammond, Brown, Swartz, Assange, Manning: information warriors of the digital wasteland	Darker Net	manning-information-warriors-of-the-digital-wasteland/
9	5/4/2011	Anonymous spokesman on Sony hack, 'It wasn't us'	SC Magazine	http://www.scmagazine.com/anonymous-spokesman- on-sony-hack-it-wasnt-us/article/202134/
10	5/6/2011	Hackers point finger over Sony incursion	Financial Times	http://www.ft.com/intl/cms/s/2/d0a21040-7800-11e0- b90e-00144feabdc0.html#axzz2dgttYH3X
11		Barrett Brown, Public Face of Anonymous, Leaves Group	Threatpost	http://threatpost.com/barrett-brown-public-face- anonymous-leaves-group-051611/75240
12	5/18/2011	Face' of Anonymous quits, exclusive interview with Barrett Brown	Computerworld	http://blogs.computerworld. com/18307/face_of_anonymous_quits_exclusive_intervi http://www.rferl.
13	5/18/2011	Anonymous 'Leader' Quits. Is Barrett Brown The Next Julian Assange	Radio Free Europe	org/content/anonymous_leader_quits_is_barrett_brown http://www.networkworld.com/community/blog/project-
14	6/22/2011	Project PM Leaks Dirt on Romas/COIN Classified Intelligence Mass Surveillance	Network World	pm-leaks-dirt-romascoin-classified-in http://www.rawstory.com/rs/2011/06/22/u-s-conducting-
15	6/22/2011	U.S. conducting 'mass surveillance' against Arab world	Raw Story	mass-surveillance-against-arab-world-report/
16	11/2/2011	Barrett Brown Says Anonymous Attack on Drug Cartels Still Alive	PCWorld	http://www.pcworld. com/article/243081/barrett_brown_says_anonymous_at http://www.cnn.com/2011/11/04/world/americas/mexico-
17	11/4/2011	Texas man says he'll join Anonymous in fight against cartel	CNN	anonymous-threat
18	11/4/2011	Barrett Brown vs. The Zetas	D Magazine	http://frontburner.dmagazine.com/2011/11/04/barrett- brown-vs-the-zetas/
19	11/4/2011	Member of Anonymous released by violent Mexican drug cartel after viral video threat	NY Daily News	http://www.nydailynews.com/news/world/member- anonymous-released-violent-mexican-drug-cartel-viral- video-threat-article-1.972507
		Anonymous and the Zetas Cartel Declare a Truce	The Atlantic Wire	http://www.theatlanticwire. com/technology/2011/11/anonymous-barrett-brown- armed-mexican-drug-cartels/44578/
21	11/5/2011	Anonymous spokesman Barrett Brown lands a six figure book deal	Daily Mail	http://www.dailymail.co.uk/news/article- 2057884/Anonymous-spokesman-Barrett-Brown-lands- figure-book-deal.html http://gawker.com/5858405/face-of-anonymous-flees-
22	11/10/2011	Face of Anonymous Flees North as Drug Cartels' War on Bloggers Heats Up	Gawker	north-as-drug-cartels-war-on-bloggers-heats-up
23	11/15/2011	The strange times of Barrett Brown—Anonymous prankster, provocateur, or profiteer	Daily Dot	http://www.dailydot.com/news/barrett-brown-hacktivist- author-anonymous/
24	12/27/2011	Questions About Motives Behind Stratfor Hack	New York Times	http://bits.blogs.nytimes.com/2011/12/27/questions- about-motives-behind-stratfor-hack/? r=0

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25	12/28/2011	Hackers poised for further releases	The Australian	http://www.theaustralian.com. au/news/world/anonymous-hackers/story-e6frg6so- 1226231714054
26		Hacker Group Anonymous Intercepted U.S. Call Over Investigation	Businessweek	http://www.bloomberg.com/news/2012-02-03/hacker- group-anonymous-intercepted-call-between-fbi-u-k-tied- to-probe.html
27		Anonymous hackers to publish U.S. security firm's 2.7m client emails	Daily Mail	http://www.dailymail.co.uk/news/article- 2079262/Anonymous-hackers-publish-U-S-security- firms-2-7m-client-emailsproviding-smoking-gun- number-crimes.html#ixzz2dr5MQeOs
28	3/6/2012	LulzSec Hacking Suspects Are Arrested	New York Times	http://www.nytimes.com/2012/03/07/technology/lulzsec- hacking-suspects-are-arrested.html?pagewanted=all http://www.washingtontimes.
29	3/6/2012	Authorities: Hackers busted when 1 turns informant	Associated Press	com/news/2012/mar/6/authorities-hackers-busted- when-1-turns-informant/?page=all http://www.businessweek.com/articles/2012-03-
30	3/8/2012	Barrett Brown on the Arrests of Five of Anonymous's Hackers	Businessweek	08/barrett-brown-on-the-arrests-of-five-of-anonymouss- hackers
31	4/12/2012	FBI tries to cut off yet another Anonymous tentacle, Barrett Brown, Good luck	Death and Taxes	http://www.deathandtaxesmag.com/182270/fbi-tries-to- cut-off-yet-another-anonymous-tentacle-barrett-brown- good-luck/
		Exclusive, FBI Escalates War On Anonymous	BuzzFeed	http://www.buzzfeed.com/mhastings/exclusive-fbi- escalates-war-on-anonymous http://www.businessweek.com/articles/2012-08-02/how-
33	8/2/2012	How the Experts Would Fix Cyber Security	Businessweek	the-experts-would-fix-cyber-security http://betabeat.com/2012/09/anonymouss-barrett-
34	9/13/2012	Anonymous's Barrett Brown Arrested for Threatening FBI Agent, Anonymous Retaliates	Betabeat	brown-arrested-for-threatening-fbi-agent-anonymous- retaliates/ http://thescoopblog.dallasnews.
35		Anonymous retaliates for arrest of "spokesman" in Dallas, promising to release government credit card numbers and, er, pizzas	Dallas Morning News	com/2012/09/anonymous-spokesperson-barrett-brown-raided-arrested-in-dallas.html/
36	9/13/2012	Former prominent Anonymous member arrested	GlobalPost	http://www.globalpost.com/dispatches/globalpost- blogs/the-grid/former-prominent-anonymous-member- arrested
37	9/13/2012	Barrett Brown Arrested, Former Anonymous Spokesman Taken Into Custody After Threatening FBI Agent	Huffington Post	http://www.huffingtonpost.com/2012/09/13/barrett- brown-arrested-fo_n_1881535.html
		A leader of hacker group Anonymous arrested in Texas AntiSec hackers retaliate after Anon-collaborator arrested by FBI	Reuters Russia Today	http://www.reuters.com/article/2012/09/13/us-usa- arrest-anonymous-idUSBRE88C1BT20120913 http://rt.com/usa/antisec-fbi-brown-barrett-080/
		Report, Former 'Anonymous' Spokesman Barrett Brown Arrested, Placed In FBI Custody	Talking Points Memo	http://livewire.talkingpointsmemo.com/entry/report- former-anonymous-spokesman-barrett-brown-arrested- placed
		Anonymous' Barrett Brown Raided by FBI During Online Chat	Wired	http://www.wired.com/threatlevel/2012/09/barret-brown- raid/
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# **Barrett Brown is Anonymous**

The night before Michael Isikoff came to Dallas, I got an e-mail from Barrett Brown. "Apparently Isikoff is freaked out about having another journalist here," it said. "But I'll secretly record the proceedings and provide to you."

A little context: Michael Isikoff is a former investigative reporter for *Newsweek*. Now he's a correspondent for NBC News. He flew in from Washington, D.C., in late February with a producer and a cameraman to talk to Brown about his involvement with a notorious international group of hackers called Anonymous that recently used their Low Orbit Ion Cannon to bring down the websites of MasterCard and Visa and the Swedish government, among others, because the institutions had made moves hostile to Wik-iLeaks and its founder, Julian Assange. It's complicated—as Isikoff would learn. But more on that in a moment.

Me, I first encountered Brown in 1998, when he was a 16-year-old intern at the *Met*, a now-defunct alternative weekly where I worked. Brown and I had not kept in contact, but last year he returned to Dallas from New York City, we got reacquainted, and he wrote a story for this magazine. I'd been talking with him for a few weeks about his work with Anonymous, about how they'd exposed a scheme by a government cyber-security contractor to conspire with Bank of America to ruin the careers of journalists sympathetic to WikiLeaks, about how Anonymous helped the protesters in Tunisia and other Arab countries. I wasn't about to miss out on the surreal scene of Isikoff and a television crew descending on Brown's apartment.

I had been to Brown's Uptown bachelor pad before. The 378-square-foot efficiency was dimly lit and ill-kept. Dirty dishes were piled high in the sink. A taxidermied bobcat lay on the kitchen counter. Brown is an inveterate smoker—Marlboro 100's, weed, whatever is at hand—and the place smelled like it. An overflowing ashtray sat on his work table, which stood just a few feet from his bed in the apartment's "living room." Two green plastic patio chairs faced the desk. I left with the feeling that I needed a bath.

On the morning of Isikoff's visit, though, I see that much has changed. Brown's mother,

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having heard that company was coming, paid to have the carpet shampooed. The kitchen is now tidy. The bobcat has been hung on a wall, replaced on the kitchen counter by a bowl of fresh fruit. A lamp casts a warm glow on Brown's work table. His 24-year-old girlfriend, a graphic designer named Nikki Loehr, sits on his bed with a laptop. She borrowed a framed Peter Saul drawing worth tens of thousands of dollars from her client, Dallas art dealer Chris Byrne, to spruce up the place. Brown, of course, would have none of it. Bobcat? Yes. Fancy artwork? Television viewers might get the wrong impression. The drawing sits in his closet.

Isikoff's cameraman and producer are the first through the door. Then the man himself, suited, gray hair, short. We shake hands. It feels awkward.

Ever the congenial host, Brown introduces us. "Tim's a friend," he says to Isikoff. "He's writing a story. You guys can have a turf war if you want, but I'm on day four of withdrawals from opiates, so I don't want to get involved." Only, because he speaks in a low, rapid baritonal mumble, like he is the world's worst auctioneer, it comes out: "Timsafriendhes-writingastoryyouguyscanhaveaturfwarifyou wantbutImondayfourofwithdrawalfromopiatessoIdontwanttogetinvolved."

Having mumbled the introduction, Brown steps out onto the tiny second-floor patio to smoke a cigarette, leaving me with Loehr, Isikoff, and his two-man crew. The guys from D.C. stare at me.

"What did he just say?" the producer asks.

"Barrett said that I'm a friend of his and that he's on day four of withdrawals from opiates."

Brown has used heroin at various points in his life. On the night about a year ago that he met Loehr, in fact, at the Quarter Bar on McKinney Avenue, he told her he was an exjunkie. "Ex" is a relative prefix. To manage his addiction, Brown was prescribed Suboxone, a semisynthetic opioid that is meant to be taken orally, but he had been dissolving the film strips in water and shooting the solution to produce a more satisfying high. On the Sunday before Isikoff's visit, Brown showed me the track marks on his arm. He said

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he had run out of Suboxone, though, and was saving his last dose because he didn't want to suffer through withdrawals during his big television interview. Then Isikoff rescheduled from Tuesday to Thursday. Brown couldn't wait. Now he is hurting.

Isikoff and his crew seem to have trouble processing it all. Was Brown kidding about the drugs? Who is this friend again? And will he have to interpret everything Brown says? They are too befuddled to fight any "turf war." In any case, Brown returns from his smoke break and launches into a primer on Anonymous, sending the cameraman scrambling to set up his lights. The producer clips mics to Brown and Isikoff. I slip into the kitchen, where I can eat the grapes that Brown's mother bought for him while I watch the proceedings.

For the next five hours, Brown explains the concept of Anonymous (an interview session topped off with a B-roll stroll for the cameraman on the nearby Katy Trail). Several factors complicate this process. First, Brown lives under the flight path to Love Field. Southwest Airlines jets continually drown out Brown's mumblings, forcing the producer to close the patio's sliding glass door. The bright camera lights proceed to heat up the small room in no time. Exacerbating the stuffiness, Brown chain-smokes flamboyantly throughout the entire interview.

Second, Brown's computer setup makes it tough to ride shotgun. His parents gave him a large Toshiba Qosmio laptop, but Brown used it to play video games before spilling Dr Pepper on the keyboard. It is out of commission. He does his work on a Sony Vaio notebook that's so small it looks like a toy. Brown claims to have 20/16 vision, so the tiny screen doesn't bother him, but Isikoff has to squint and lean in as Brown takes him on a tour of Internet Relay Chat rooms, or IRC, where Anonymous does much of its work. (I tag along, from my iPad in the kitchen, just a few feet away. When they enter a room where Anonymous discusses its operations in Libya, I type, "Say hi to Isikoff for me." Isikoff: "Who's that?" Brown, laughing: "That's a writer I know." As they click over to another room, I pop in again: "Isikoff is clearly a government agent." So I don't help, either.)

Finally, there is the inscrutable topic itself. Anonymous is sometimes referred to in the mainstream media as a group or a collective—the *Christian Science Monitor* went with "a

shadowy circle of activists"—but Anonymous, per se, doesn't exist. It has no hierarchy, no leadership. So even though Bloomberg and others have called Brown a spokesman for the group (which, again, isn't a group at all), Brown denies having any position within Anonymous.

"Anonymous is a process more than it is a thing," Brown tells Isikoff. "I can't speak on behalf of Anonymous, because there's no one who can authorize me to do that."

When he explains Anonymous to a newbie, Brown relishes the inevitable confusion and will toggle between sincerity and irony to heighten it. Until you've spent some time with him, it's hard to know what to believe. When you've gotten to know him better, it's even harder.

"You have to remember," Brown says, reclining in the green lawn chair, one arm slung over its back, a cigarette dangling between his fingers, "we're the Freemasons. Only, we've got a sense of humor. You have to wield power with a sense of humor. Otherwise you become the FBI." Here Brown is half-kidding.

Later, when Isikoff gets confused by the online lingo used by Anonymous, Brown says, "I think we've done more than Chaucer to enrich the English language. We should get a medal. Where's the medal, Michael?" Here he is entirely kidding.

I think.

Brown first began collaborating online with Anons in 2006, though an informal organization didn't exist at the time—much less a formal one that denies its own existence. These were just kids idling on websites such as EncyclopediaDramatica.com and the random imageboard /b/ on 4chan.org. They were interested in arcane Japanese web culture and, of course, pictures of boobs. "Everyone there was anonymous," Brown says, intending a lowercase "a." "It just started as a joke."

Brown was part of what he calls "an elite team of pranksters" that did whatever they could to make people miserable on Second Life. They developed a weapon that propagated giant Marios until certain areas of the online universe crashed. They would go into a concert and produce a loud screaming that no one could stop. They went into nightclubs for furries, people who get off by wearing animal costumes, and hassled them.

But Anonymous, with a capital "A," didn't coalesce into a recognizable phenomenon until 2008, when the Church of Scientology tried to remove an embarrassing YouTube video of a wild-eyed Tom Cruise talking about how awesome Scientology is. Anonymous claimed the move was censorship and, in response, published its own YouTube video. Over images of swiftly moving clouds, a computer-generated voice declared war on the church. That war, Project Chanology, continues to this day.

Anonymous' efforts to bring down the Church of Scientology and other enemies have evolved to include all manner of tactics, both online and off, but the group's main weapon is the Low Orbit Ion Cannon. (For clarity's sake, I will hereinafter refer to Anonymous as a group, even though various members of the group have repeatedly stressed to me that it isn't one.) The Low Orbit Ion Cannon, or LOIC, is a piece of software. Right now, you can download it from any number of easily accessible servers and install it on your computer. Launch it, and you just joined a botnet.

A botnet is a number of computers—could be hundreds, could be tens of thousands spread across the planet—that follow the instructions of a central command. Until Anonymous came along, botnets were generally assembled by bad guys, organizations like the Russian mafia, Chinese hackers. They build botnets on the sly, installing malware on computers that turns them into zombies without their owners' knowledge. Each zombie can fire thousands of requests per second at a target website. So while you're working on that cover sheet for your TPS report, your computer is part of a joint effort to overwhelm a company's server and crash its website. That effort to crash a site is called a Distributed Denial of Service attack, or DDoS. The bad guys use DDoS attacks to extort money, but they can also use their botnets to send spam and steal people's identities. In 2009, the antivirus software firm Symantec said it had detected nearly 7 million botnets on the internet.

Anonymous was the first group to build an operational *voluntary* botnet. By running the LOIC on your computer, you are, essentially, declaring your allegiance to Anonymous.

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You donate part of your computer's processing power to the cause. That cause—or, if you prefer, the target—is determined by rough consensus among Anons.

If the Church of Scientology gave Anonymous its first major target the group could agree on, then Visa and MasterCard gave Anonymous its first big kill, the trophy that made the world take notice. Last year, at the urging of Senator Joe Lieberman, who heads the Senate Committee on Homeland Security, PayPal froze WikiLeaks' account, and Amazon booted the organization off its servers. Visa and MasterCard stopped processing donations to the organization, saying in a press release that they were taking this action because WikiLeaks was engaged in illegal activity. Never mind that WikiLeaks had not even been charged with a crime. Anonymous responded with Operation Payback.

Which member of Anonymous first suggested that MasterCard should be a target of the LOIC? There's no telling. But they discussed it in an Internet Relay Chat channel that anyone could have joined—that, in fact, anyone can still join. Anonymous uses IRC because it conceals identities and because it establishes a technical barrier to entry. Though anyone *can* join the conversation, only a certain type of person *will*. There's software to download. There's lingo to learn. And so on.

Sometimes Anonymous will actually conduct an online poll to determine the target of a DDoS. It's very democratic. But the final decision about where to point the Low Orbit Ion Cannon is made by an IRC channel operator, an Anon who has the power to declare the official topic of the channel. As with the animals on Orwell's farm, all Anonymous are equal, but some are more equal than others. It's hard, obviously, to get a reliable estimate on the number of those elite Anons who are channel operators. Brown told me it could be a few dozen. When those—don't call them leaders—change the topic of an IRC channel, all the LOIC-armed computers linked to that channel will automatically fire at the target. That's when embarrassing things happen to ill-prepared companies (and governments, too).

The great thing about Anonymous' botnet is, it never sleeps. With involuntary botnets, users turn off their zombie computers when they go to bed at night. The botnet army

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never fights at full strength. Anonymous' voluntary botnet might be small, but it packs a powerful punch.

When the Anons working on Operation Payback pointed the LOIC at MasterCard's website on December 8, 2010, it crashed in about five minutes. Visa crumbled in 30 seconds. Anonymous didn't target the servers that process credit card transactions, just the companies' websites. The key to the attack was the realization by Anonymous that Visa and MasterCard had left themselves vulnerable by locating all their servers in the same general area. Anonymous had discussed attacking Amazon, too, because it booted Wik-iLeaks off its servers, but Amazon houses its servers in data centers all over the globe. Take one down, and the traffic gets rerouted. Amazon stays online. Not so with Visa and MasterCard.

How many computers did it take to bring down the credit card giants? It's impossible to peg a precise number. But during the four weeks when Operation Payback was at its height, Gregg Housh says the LOIC was downloaded 60,000 times. Housh is 34 and lives in the Boston area, but he was born in Bedford and lived in North Texas until he was 16. He is intimately aware of how Anonymous works but says he doesn't participate in any of its illegal activities. In the days following the attack on MasterCard, the task of explaining all the forgoing to reporters largely fell to him. He doesn't mind speaking to the press and using his real name because, as an organizer of Project Chanology (he and a small group of collaborators posted that first Anonymous YouTube video with the clouds), his name became public in lawsuits filed by the Church of Scientology. Too, he spent three months in federal prison in his 20s for software piracy. Authorities are already well-acquainted with him.

"Everyone just knows that Gregg is willing to talk to The Man," Housh says. "A lot of news organizations, the *New York Times*, don't want to go with anonymous sources. They have policies against it." On December 10, two days after Operation Payback hit MasterCard, Housh did 37 interviews. "I'll tell you, man, I work from home, so it makes it a little easier for me to do that, but it was becoming too much. And in comes the cavalry, Barrett, to take some of the load. That was nice."

Housh met Brown online in February of last year, after Brown had written a story for

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the Huffington Post explaining Anonymous' actions in Australia. The government there was attempting to ban three specific forms of internet pornography: small-breasted porn (deemed by the Australian Classification Board too similar to underage porn), female ejaculation (deemed to be a form of urination), and cartoon porn (duh). Anonymous, in response, launched Operation Titstorm, which included not only a DDoS attack that brought down the government's main website, but a torrent of porn-related e-mails, faxes, and prank phone calls to government officials. In his HuffPo piece, Brown explained the larger context of Anonymous' actions. After referring to William Gibson's 1984 sci-fi novel, *Neuromancer*, which popularized the term "cyberspace," Brown wrote the following in an essay titled "Anonymous, Australia, and the Inevitable Fall of the Nation-State":

"Having taken a long interest in the subculture from which Anonymous is derived and the new communicative structures that make it possible, I am now certain that this phenomenon is among the most important and under-reported social developments to have occurred in decades, and that the development in question promises to threaten the institution of the nation-state and perhaps even someday replace it as the world's most fundamental and relevant method of human organization." Bear in mind that Brown was talking about sending pictures of women with small boobs to government officials. In Australia.

"It was an interesting piece about nation-states and about their slow decline," Housh says. "I found some of what he said to be quite outlandish and some of what he said to be quite interesting. You look at a few of these that are going on right now"—meaning Tunisia, Egypt, Libya, and others—"and he might have been a little prescient."

Housh sent Brown an e-mail saying that he liked the Huffington Post piece and that Brown seemed to understand Anonymous better than most journalists who'd written on the topic.

Brown responded: "That's because I am Anonymous."

A week before the Michael Isikoff interview, Barrett Brown and I are sitting on the rooftop patio at the Quarter Bar. Or, rather, I am sitting. Brown is pacing like a caged an-

imal, chain-smoking, and drinking a Cape Cod. He likes the Quarter Bar because he doesn't own a car and he can walk here from his apartment with his Sony Vaio note-book and get work done while he smokes and drinks. The staff knows him.

It's a weekday, early. McKinney Avenue is beginning to flow with shiny cars headed north. We have the patio to ourselves. Brown is wearing cowboy boots and a blue pinstriped oxford sloppily tucked into blue jeans. He wears the same outfit every day. He owns a dozen identical blue pin-striped oxford shirts. He wears only boots because he hasn't bothered to learn to tie shoelaces properly. (When Nikki Loehr told me that being Brown's girlfriend can be exhausting because she must work to keep him on track, citing as one example of Brown's ADD-powered absent-mindedness his inability to "tie his own shoes," I thought she was kidding. She wasn't.)

As Brown paces and recounts some of the highlights he's amassed in just 29 years, it's tempting to brand him as a fabulist. He'll begin an anecdote with "I once had to jump out of a moving cab in Dar es Salaam." But then he mentions that he went to Preston Hollow Elementary School with George W. Bush's twin daughters. My mother taught the Bush twins at Preston Hollow. I tell him this, and he remembers my mother.

"I was the poet laureate of Preston Hollow!" he says. In third grade, he tells me, he used a phone in the principal's office to order a pizza from Domino's, which he had delivered to his classroom. He wasn't trying to make trouble. He simply didn't know there was a rule against ordering pizza. But his English teacher flipped, sent him to the principal's office, where he was held in a sort of in-school suspension during which he wrote a poem about getting in trouble. "Ask your mother about me," Brown says.

Later that night, I call my mother, who taught him art. "Do you remember a kid named Barrett Brown from Preston Hollow?"

"Barrett Brown? Oh, my God," she says, instantly recalling an elementary student she taught more than 20 years ago. "I don't remember them all. But I remember him. Yes, he was the poet laureate. I don't have it anymore, but I kept that poem for years."

Having now had several corroborative conversations like the one with my mother, I am

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forced to conclude that most of what Brown says is accurate—if not believable.

He grew up comfortably in Highland Park. His father, Robert Brown, hailed from East Texas and came from a family of means. "I made a lot of money when I originally came to Dallas," Robert says. "I eventually had \$50 million in real estate holdings all across the state. But I got caught up like a lot of people did in the '80s. I was highly leveraged, lost pretty much everything."

Partly due to the financial strain, Brown's parents divorced when he was 7. He and his mom shared a room in his grandmother's house for a few months, until his mom could get on her feet. Karen Lancaster says her son developed a capacity for moral outrage at an early age. "He was furious when he was 6 and found out there was no Santa Claus," she says. "He wasn't mad about there not being a Santa. He was upset with me. He said, 'You lied to me. How could you make up such a story?' "

Lancaster says her son had severe ADD and that the classroom was torture for him. But he read voraciously on his own, diving into Ayn Rand and Hunter S. Thompson while he was still in middle school.

About that time, Brown also began investigating the possibilities of online networks. This was circa 1995, before the internet as we know it today existed. Back then, bulletin board systems ruled, chat rooms with their own phone numbers for dial-up access with a modem. At 13, Brown found a BBS that changed his life. It enabled him to talk to girls. Years later, he would use the experience as grist for an essay in the *New York Press*.

"Early in our communication," Brown wrote, "Tracy informed me that I could touch her breasts if I wanted to. I conveyed in turn that this would be to my satisfaction and that I would entertain other proposals of a similar nature. Over the next months, I was able to graduate to second base, to third, and finally to dry humping."

In high school, at the Episcopal School of Dallas, Brown continued to distinguish himself. Freshman year he and a friend formed the Objectivists Club. "They began their own civil disobedience then, unbeknownst to us," Lancaster says. "Ayn Rand was an atheist, and here he was in this Episcopal school. They decided not to sing hymns in Barrett Brown is A Base 3:12-cr-00317-L Document 90-5 Filed 09/04/13 Page 11 of 20 Page ID 4989/2/13 11:03 AM

chapel. So, of course, we got calls about that."

The following year, he got into trouble for having sex with an ESD girl on a school trip to New York. The administration couldn't prove that the act had occurred, though, so he was merely given in-school suspension (he passed the time by drawing comic books about World War II). That summer, in 1998, he landed the internship at the *Met*. In a brief "Meet the Intern" feature in the front of the paper, he was pictured wearing sunglasses. The copy read: "Barrett wears sunglasses indoors. He was a sophomore last year at the Episcopal School of Dallas, but he refuses to return next year. He has earned a reputation as a phlegmy young man for loudly clearing his throat and spitting in editors' personal trash cans. He claims to have lost his virginity in New York, on Broadway. And last week he wrecked his mom's Jeep Cherokee. We asked him what he's learned here at the *Met*, and Barrett said, 'How adults really act when they think kids aren't watching.' But Barrett's a smart, hard-working kid, and he'll always have our highest recommendation."

His mother saved that clipping. She says Brown's boast about his accomplishments in New York would have gotten him expelled if he hadn't decided to forgo his junior year and instead travel with his father to Dar es Salaam, Tanzania. It was there that Brown had to jump out of a moving cab—though because of the mumbling, it's not clear why. Dar es Salaam was a dangerous place in the summer of 1998. In August, two car bombs exploded at the U.S. embassies in Nairobi, Kenya, and Dar es Salaam, killing 224 people and wounding more than 5,000 others. For many Americans, it was the first time they heard the name Osama bin Laden. Brown says he saw corpses in the street.

The trip to Tanzania was supposed to be a profitable one for Robert Brown. He's a biggame hunter, and on previous expeditions there, he'd seen vast hardwood forests that had never been harvested. He and his partners brought over \$1 million worth of sawmill equipment and planned to launch an export business. But the corrupt government ruined them. With seven shipping containers loaded with equipment sitting on the docks in Dar es Salaam, Robert Brown says he simply couldn't find the right official to bribe. As the project stalled, Barrett Brown found himself with plenty of time to conduct a dual-credit correspondence course online through Texas Tech, which allowed him to graduate high school and earn college credits. When his father's money finally ran out, they returned to the States.

Brown moved back in with his mother and got a job at the Inwood Theatre, where he made popcorn, took tickets, cleaned the theater. He remembers one night when the father of the ESD girl to whom he'd lost his virginity came in and was none too pleased to see him. When he wasn't working, he was reading. Or drinking whiskey with Hockaday girls who'd come over to his house after school.

Mirna Hariz was one of those girls. After Brown eventually got into UT Austin, she wound up there, too. "We all used to hang out at his house," she says. "One day he had a test. We said, 'Barrett, I thought you had a test right now.' He said, 'I'm not going.' We said, 'You're going to have to make it up?' He said, 'No. I'm not going to school any-more.' He never mentioned it again. That was just it."

After he dropped out, Brown bounced among New York City, Austin, and Zihuatanejo, taking on a succession of writing jobs and freelance gigs. He got fired from Nerve.com, he says, for "intransigence." He wrote copy for AOL—but then he stopped. In 2007, he published a book with Jon P. Alston called *Flock of Dodos: Behind Modern Creationism, Intelligent Design, and the Easter Bunny*. Alan Derschowitz described it as being "in the great tradition of debunkers with a sense of humor, from Thomas Paine to Mark Twain."

By December 2009, Brown was living on Hariz's couch in New York City. She had become a lawyer and had moved there to work on the lawsuit filed by emergency workers who were denied long-term medical coverage for ailments caused by inhaling what was left of the World Trade Center's Twin Towers. Hariz's apartment was in the Williamsburg neighborhood of Brooklyn.

"Mirna had two rules," Brown says. "'Don't shoot up, and don't f--- girls on my bed.' I broke both those rules pretty quickly."

He didn't just break the rules. Again, he bragged about it—in a fashion. For the *New York Press* he wrote an anonymous story about an encounter in Hariz's apartment with a girl who asked him to pretend to rape her on their first date. An excerpt:

"The date was going well even before it started going memorably, which was bizarre, as I gave off every warning signal as to my failures as a person, like having to share a coffee mug of vodka with the girl because I'd accidentally broken all the glasses in the apartment. At some point I actually made her look at this video game I was playing, called Dwarf Fortress, in which I pretended that I was some large number of dwarves, all living together in a fortress. Eventually she relented and we had sex, which was probably for the best."

His date wrote a companion piece, also anonymously, in which she said, "There was something appealingly wholesome about him, so all-American—he was cowboy boots, medium-rare bacon cheeseburgers, and *Monday Night Football*—that I just couldn't resist."

Not every day in Williamsburg was so debauched. Hariz remembers coming home once to find Brown playing basketball with what she calls "street toughs." "There was the one skinny white guy playing with all these huge black guys," she says. "He leads this very Kerouac-seeming life. When he goes out, it's for adventure."

But Brown wasn't going out much. By this point, he'd become deeply involved with Anonymous' efforts to support WikiLeaks, spending marathon sessions hunched over his computer.

"I would try to get him to come out with me, go to a bar, but he wouldn't," Hariz says. Instead, Brown would stay home and shoot heroin. "When he's messed up, all he does is work. It's not like he's out there, partying it up, engaging in risky behavior. He's just working—while doing drugs. I'd get up, and he'd be sitting in front of his computer, with a cigarette hanging out of his mouth. When I'd get home, he'd be sitting in the same position, working. I'd go to bed at 4 in the morning, wake up, and he'd still be there."

This is when Brown wrote the Huffington Post article about Operation Titstorm and wound up admitting to Gregg Housh that he, too, was Anonymous. But Brown didn't come out publicly until just a few months ago, after the Operation Payback DDoS atBarrett Brown is A Base 3:12-cr-00317-L Document 90-5 Filed 09/04/13 Page 14 of 20 Page 1D 5019/2/13 11:03 AM

tacks on Visa and MasterCard and others. Dutch authorities quickly arrested a 16-yearold boy in The Hague, Netherlands, identifying him only as Jeroenz0r, an IRC operator (aka one of the Anons that determines a target for the Low Orbit Ion Cannon). Anonymous decided that it had to get its message out quickly—the message being that Master-Card, according to Anonymous, was processing payments to the Ku Klux Klan but not to WikiLeaks, which Anonymous considers not just a kindred spirit but a legitimate journalistic enterprise. In fact, Housh has said that Anonymous launches DDoS attacks in some cases with the sole aim of spurring the press to ask questions, thereby giving Anonymous a forum in which to discuss its agenda.

With Operation Payback, Anonymous had created a huge forum. Yet it had only one real spokesman to take advantage of the opportunity, poor Gregg Housh, who was, let's not forget, trying to get some actual bills-paying work done at home when the media came calling.

Enter Barrett Brown, former poet laureate of Preston Hollow.

The promotion to unofficial spokesman for a nonentity might seem like a swell thing for Brown, something he could write home about, tell his parents to stop worrying. There are drawbacks, though.

First, and most obvious, the nonposition comes with a nonsalary. Also no health benefits nor 401(k).

Second, he's now what Anons call a namefag. The term is not intrinsically derogatory. It just means that one has publicly identified oneself as Anonymous, using the name on one's birth certificate. I've talked to Anons on IRC who are quite happy with the work Housh and Brown have done to explain Anonymous to the media and, in Brown's case, write about the group and organize legal defense for members who have been raided. One Anonymous hacker told me that Housh and Brown "are strong observers only, giving them the right to identities." But then there are those who detest namefags.

"It isn't cool at all being this person," Housh says. "About 75 percent of the people involved in things are happy someone is trying to keep the media straight. Fifteen percent don't give a shit either way and just shrug people like me off as namefags and media whores. The other 10 percent spend time every day trying to make your life hell, attacking you, telling everyone lies about you."

Housh says disgruntled Anons have handed over fake chat logs to the FBI purporting to show that he runs Anonymous. Anons have dropped dox on Brown, too, published his personal information in an effort to discredit and embarrass him.

And it's not just the lack of anonymity that riles up that 10 percent of Anonymous. Brown believes that Anonymous is a force for good, that it can and should be used to topple oppressive regimes, eradicate the necessarily corrupt nation-state. Brown has been at the vanguard of Anonymous' operations in Tunisia and other Arab nations, writing guides to street fighting and first aid that Anonymous posted on government websites it had taken control of. Much was made about how well-organized the Egyptian protestors were because they could coordinate their efforts on Facebook. Partly that's thanks to Anonymous Facebook spammers that mass-invited thousands of Egyptians into the protest groups.

This sort of work gets an Anon branded as a moralfag. I spoke online with the user who runs the Twitter account @FakeGreggHoush. The user said the real Gregg Housh would identify her as a woman named Jennifer Emrick, but the user identified himself as Donald Wassalanya, a name that I could not find in public records. The real Housh said the user could be Emrick—or someone else. Other Anons on IRC told me Emrick was Fake Housh. In any case, Fake Housh seems to speak for that 10 percent.

"Gregg would have ya live in a world where Anon is a force for good, something that can be marketed," Fake Housh says. "We do what we do because we can, and it amuses us, not because it's just or right. Morals have their place in our society. Anonymous isn't a place for morals."

Fake Housh says that what Brown has been doing in Libya and elsewhere is "armchair protesting" that has little if any effect on the protests. "It's just a way to look good and feel good."

Finally, there is a third drawback to Brown's new, more visible role in Anonymous. He just might get arrested. Because Brown likes to brag. Just like he did with the poem at Preston Hollow and the "Meet the Intern" ditty about the eventful school trip to New York City and the *New York Press* essay about the rather flagrant violation of Mirna Hariz's second rule, Brown, now that he's a namefag, has taken to calling enemies of Anonymous and certain federal authorities (sometimes one and the same) to tell them how cool he is. Of course, that's not what he explicitly says. He says he's calling to help.

A few weeks ago, he talked to a woman in the NSA. He says he contacted her as a courtesy, to let them know that Anonymous had a copy of Stuxnet. That would be the most infamous, most complex bit of malware ever written, the world's first weaponized computer virus, which was revealed last year to have crippled much of Iran's nuclear program. Some think the Israeli government created it, possibly with help from the United States. The copy Anonymous has—meaning, also, that Brown has a copy of Stuxnet on his harmless-looking Sony Vaio notebook—is defanged, to an extent.

But still. Stuxnet. At the Quarter Bar.

And how, you may well wonder, did both Anonymous and the namefag who bores his sexually adventuresome dates with Dwarf Fortress come to own a copy of Stuxnet? First the slightly technical explanation of Anonymous' greatest stunt yet, then the way Stephen Colbert described it.

On February 4, days after authorities had raided some 40 suspected members of Anonymous in connection with Operation Payback, Aaron Barr, the CEO of California-based cyber-security firm and government contractor HBGary Federal, stepped up and asked to be a target. Barr gave an interview to the *Financial Times* in which he claimed to have identified Anonymous' leadership using social engineering hacks—essentially trolling Facebook and other networks. Barr told the *Financial Times* he planned to unveil his research at an upcoming security conference.

Brown says Barr had everything wrong. He was about to release names of innocent people whom the feds would then raid. Nonetheless, Anonymous issued a press release, partially written by Brown, conceding defeat. Then, the very next day, they attacked. Using something called an SQL injection, they broke into the database underlying hbgaryfederal.com. There, Anonymous hackers found what Brown later described in an article for the *Guardian* as a "farrago of embarrassments": a carelessly constructed database, systems running software with known security flaws, passwords poorly encoded, and, worst of all, the same password used on multiple systems.

Within hours, Anonymous had destroyed HBGary Federal and its parent company, HB-Gary.

On February 24, Colbert did a lengthy segment on the hack, which by then had become international news. Here's how he played it:

"Barr threatened Anonymous by telling the *Financial Times* he had collected information on their core leaders, including many of their real names. Now, to put that in hacker terms: Anonymous is a hornet's nest. And Barr said, 'I'm going to stick my penis in that thing.' "

Colbert relayed that Anonymous took down Barr's website, stole his e-mails, deleted many gigabytes of HBGary research data, trashed Barr's Twitter account, and remotely wiped his iPad. "And he had just reached the Ham 'Em High level on Angry Birds," Colbert said, to much studio laughter. "Anonymous then published all of Barr's e-mails —including one from his wife saying, 'I will file for divorce'—and Barr's World of Warcraft name, sevrynsten. That's right. They ruined both his lives."

Four days after the Colbert jokes, Barr resigned his post at HBGary Federal.

Of course, Brown had called Barr an hour after the hack. He played a recording of that conversation for me. He keeps recordings like these as trophies. As the conversation grows less productive, somewhere around the 10-minute mark, Brown deadpans: "Well, you'll have a lot to talk about at the security conference." (HBGary later decided to withdraw from the conference.)

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The HBGary hack would amount to nothing but lulz—laughs at someone else's expense, the only acceptable motivation for any Anon who isn't one of those moralfags—except that's how Anonymous got its copy of Stuxnet. Someone at the antivirus firm McAfee had e-mailed it to Barr. But, far more important, buried in the 70,000 HBGary e-mails (which Anonymous made available to everyone on the file-sharing service BitTorrent) was clear evidence of a far-ranging conspiracy among several powerful corporate entities to commit what could be crimes. HBGary Federal, along with two other security firms with federal contracts, Berico Technologies and Palantir Technologies, were crafting a lucrative sales pitch to conduct a "disinformation campaign" against critics of the U.S. Chamber of Commerce. Hunton & Williams, the well-connected Washington, D.C., law and lobbying firm that was soliciting the work, also counts as a client Bank of America. The hacked e-mails show that the three security firms were working on a similar proposal to target supporters of WikiLeaks on behalf of Bank of America, which has reason to believe it might be the group's next target.

As February drew to a close and *D Magazine* went to press, about a dozen House Democrats called for an investigation into Hunton & Williams and the three security firms, saying that the hacked e-mails appear "to reveal a conspiracy to use subversive techniques to target Chamber critics," including "possible illegal actions against citizens engaged in free speech."

And so it comes to pass that the kid who first used his computer to feel a girl up, then later found he could use it to mess with furries, now finds himself using it to fight for free speech, of all things.

"Our people break laws, yes," Brown says. "When we do so, we do it as an act of civil disobedience. We do it ethically."

But everyone who's Anonymous is anonymous. So there are probably some bad people helping out. Bad people acting ethically?

"We don't do background checks on people," Brown says. "There are bad Anons, sure. They could be doing corporate evil or regular evil. But while they're with us, they're doing good." At one point, he tells me that he's trying "to show these kids that being bad isn't awesome." He's mostly joking.

Maybe.

On the Sunday afternoon before Michael Isikoff's visit to Dallas, Barrett Brown and I are having brunch on the patio of the Old Monk, on Henderson Avenue. Or, rather, I am having brunch. Brown orders only coffee and orange juice. He is polite to the waitress, saying "please" and "thank you" each time she fills his mug. He's smoking and wearing the boots-and-blue-oxford uniform. The weather is perfect.

We come around to the topic of the future and what it holds for him. It's not something he likes to discuss. He says he doesn't like to make plans. "Hitler had plans," he says.

We talk about his prospects of earning a real living. Money hasn't held much sway over him. Having watched his father lose so much of it, he sees it as ephemeral. But he's working on a film treatment for a producer in Los Angeles. He's got another book coming out soon.

I tell him that the drugs and the constant smoking give me concern. I can't help myself. In some ways, I still see him as that phlegmy 16-year-old intern who could use some good advice. I tell him something Loehr told me, that if he's going to have an impact, he's going to have to connect with people, and he can't do that on heroin. Words to that effect.

"At the risk of sounding like an asshole," he says, "a lot of the rules don't apply to me. My heroin addiction is much different than everyone else's."

Then he gets serious. Sort of. "Everything I'm doing now is healthier than it was," he says. "I used to roll my own cigarettes. Now they have filters. I'm doing all this gay shit. I'm jogging on the Katy Trail. I'm dating a girl. How gay is that?"

Write to timr@dmagazine.com.

Barrett Brown is A Bage 3:12-cr-00317-L Document 90-5 Filed 09/04/13 Page 20 of 20 Page ID 5079/2/13 11:03 AM

# Case 3:12-cr-00317-L Document 90-6 Filed 09/04/13 Page 1 of 7 PageID 508 $Project \ PM$

This page will serve as a temporary repository for information on Project PM until such time as the complete manifesto is released. The text below provides a detailed description of the blogger network around which the project will be centered. Having been written for information technology and new media professionals, bloggers, and other participants with an interest in the specifics of how this network will serve as an improvement over existing mediums, it is necessarily a bit technical.

Note that in addition to bloggers, we're also looking for people to participate in a sub-network which itself will be responsible for advancing the project by incubating ideas and "voting" on them. Joining this body does not require any commitment; inactive members won't be detrimental to the network. If you think you might have some ideas down the line, or would simply like to have some influence in how the project proceeds, consider joining up.

Get in touch with me at barriticus@gmail.com if you'd like to get involved or have any questions. Related materials involving concepts and implications related to this project may be found here and here. For more on the extent to which the media and the U.S. pundit class in particular has failed our republic, Google my name along with those of Thomas Friedman, Charles Krauthammer, Martin Peretz, National Review, Weekly Standard, The New York Times, or CNN, or read the work of blogger-journalists Glenn Greenwald, Matt Taibbi, and Allison Kilkenny.

# Introduction

This effort is called Project PM. The major goals are (a) to reduce the negative influence of incompetent yet nonetheless well-regarded pundits such as Thomas Friedman and Charles Krauthammer and (b) to increase the positive influence of the more capable segments of the blogosphere. Both of these goals are to be pursued in part by way of the deliberate generation of critical mass among bloggers in such a manner as that segments of the traditional media will be prompted/forced to address certain critical issues as determined by a collective array of the most erudite and dependable bloggers in existence. A third goal that does not require the same critical mass or temporary control over the traditional media infrastructure involves the development of a communicational schematic that is superior to anything else in existence in terms providing bloggers with the best possible feed of raw information by which to produce content, as well as the best method by which readers can most easily find the best and most important of this content without having to sift through duplicate or sub-standard info, which is to say that it will discard some of the problems inherent to reddit, memeorandum, and other such sources as exist today (more on how this is to be accomplished may be seen below). All of this is to be achieved by way of Project PM network, which itself will make use of open-source software being designed for the purpose and developed by a fellow with a brilliant track record in innovative IT implementations.

Obviously, this is not some magic bullet that will turn the media into an optimal system, but it will certainly have some positive effect, and to the extent that we can integrate more and more people into the network, this effect will of course be amplified. Meanwhile, others will no doubt adopt some of the methods we have developed for use in their own efforts. Perhaps most importantly, this will demonstrate to others that we are nowhere near fulfilling the positive potential of the internet as a medium, and get them thinking about the manner in which the internet provides us with the ability to provide for a degree of actionable collaboration among some of the world's most reasonable people in such a way that would have been impossible only a decade ago. Insomuch as that collaboration is the means by which human affairs are driven, such a grouping as makes use of intelligent, honest, and influential individuals and then gives them a means of communication and action that is even slightly superior to any other in existence would have unprecedented potential to achieve positive change, particularly by means of perpetuating information – information being, again, the fuel of human activity.

# **Project PM Network Summary**

The institutions and structures that have developed over the past two decades of accelerating public internet use have had what we reasonably describe as a wholesome effect on information flow. But the information age is a work in progress, and thus there are potential improvements to be made. More importantly, there are improvements that can be made by an initially small number of influential participants working in coordination. The purpose of Project PM is to implement these solutions to the extent that participants are collectively able to do so, as well as to demonstrate the beneficial effects of these solutions to others that they might be spurred to recreate or even build upon them independently of our own efforts.

# The Problems

# Project PM is intended to address the following inefficiencies:

(a) Watering down of contributor quality within participatory networks: Open institutions such as reddit.comtend to peak in terms of the erudition of the content conveyed a few years after coming about, with this being due to the particular dynamics of network growth. By definition, early users are early adapters, who themselves tend to be betterinformed and otherwise relatively capable in terms of the value they bring to the network. To even know of such networks early in their existence is to pass a certain sort of test regarding the potential quality of one's contributions; as knowledge of the network expands, this "test" becomes easier, and to the extent that it does, the network is less "protected" from those who did not pass such a test by virtue of the fact that they did not know of the network until knowledge became more common. Obviously, failing to be aware of some particular institution does not come anywhere near precluding one from being intelligent and knowledgable in general and thus of value to the institution, but the influx of valuable participants versus damaging participants appears to decrease after a certain level of notoriety is reached. Again, the decline in the intellectual relevance of content at reddit.com is a good example of this.

(b) Data overflow: The watering down process described above does not only result in one coming across information of relatively low quality, but also in having to contend with more of it. On reddit.com, for instance, a user who scans new submissions will find not only a certain amount of potentially useful information, but also some amount of almost certainly useless information. The watering down of contributor quality also contributes to the extent to which the latter is perpetuated within the network itself insomuch as that lesser contributors are more likely to vote up useless information, thus helping to ensure that the barriers built into the network in order to facilitate the viewing of important rather than unimportant content – in this case, a pre-established threshold of up votes necessary to bring something to the front page – will thereby lose their effectiveness.

(c) Barriers to obtaining raw data: The obvious fact of data overflow – that some data is more useful than other data – is dealt with by means of selecting certain sources of information which one has identified as being a provider of quality output relative to other sources. Bloggers and others who require a steady stream of data in order to operate have certain methods of obtaining that data, and there is of course no reason to believe that any of these methods could not be improved upon to an extent that these improvements would be worth adapting. One has RSS feeds flowing from sources one has selected (and by Virtue of having been selected, the sources must have been necessarily known to the blogger in the first place); one has algorithm-based sites like Memorandum.com (which merely shows what bloggers are talking about rather than necessarily providing any insight into what they should be talking about); one has democratic or pseudo-democratic sites such as reddit.com and digg.com; and one has the fundamentally one-way outlets of television and newspapers, the content of which is decided upon by a handful of producers or editors (who themselves are working within an incidental structure that does not appear to be of much value relative to what may now be found among the better portions of the blogosphere). A means of obtaining data that improves upon these and all other methods would be of great utility insomuch as that the quality of data is of course one major limiting factor with regards to the quality of output..

# The Solutions

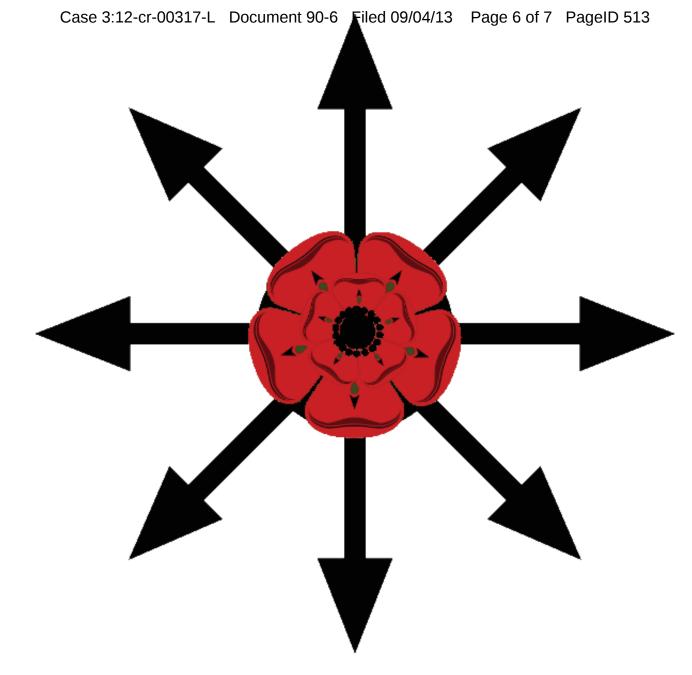
By way of a network designed to take better advantage of the existing informational environment, Project PM can help to remedy the problems described above without significant effort on the part of participants, yet with potentially dramatic results on the efficiency of information flow.

(a) Watering down of contributor quality within participatory networks: Project PM will greatly reduce the accumulation of low-value contributors by way of the method by which contributors are brought it. The network will be established with a handful of contributors who have been selected by virtue of intellectual honesty, proven expertise in certain topics, and journalistic competence in general. Each of these contributors has the option of inviting into the network any number of other bloggers, each of whom will initially be connected only to the contributor who brought him in. Each of these new participants also has the option of bringing others into the network in the same fashion as well as offering a connection to any other participant, as will anyone they bring in, and so on. To the extent that the original participants are of value in terms of their judgement, they may be expected to bring in participants of similarly high value, and so on; meanwhile, as the network expands, participants will be likely to form new direct connections to others whom they have determined to be of particular value relative to other participants, and conversely, to disestablish any direct connections they might have established to those whose output they find to be below par. Of course, none of this precludes the network from eventually encompassing participants of low desirability relative to that of the average participant, but to the extent that such a thing occurs,

# its effect are largely neutralized by way of the dynamic described below.

(b) Data overflow: Information flows through the Project PM network by way of a single button accessible to each participant. When a participant either writes or receives a blog post or other informational element, the participant may "push" the item, thus sending it to all of those with whom he is directly connected in the network. In such a case as a participant pushes forward items that others may determine to be of little merit, the resulting clutter is only seen by the participant who brought such a low-value blogger into the network in the first place, as well as those whom the low-value blogger has to this point brought in himself along with those who have agreed to connect with him from elsewhere in the network. To the extent that a given participant exercises good judgment in establishing connections, then, he will only receive informational elements of value while also being able to quickly transmit them to contributors who will be able to make best use of such information. Meanwhile, below-average participants will have only very limited means by which to clutter the network, as informational elements become less likely to be pushed forward as they approach above-average participants within the network, who themselves are "buffered" from such things by way of the competent participants with whom they surround themselves by way of their connections and who, by virtue of their competence, are unlikely to push forward low-value information.

(c) Barriers to obtaining raw data: The dynamics described in (a) and (b) collectively provide for a means of information inflow that should theoretically be superior to any other medium currently in existence in terms of overall quality, both by virtue of the network's improved organizational methods as well as the relatively high competence of participating bloggers relative to members of the traditional media outlets as a whole. Accessibility to particularly valuable items of information will be enhanced further by the option to set one's widget in such a way as to display any piece of information from the network, regardless of "proximity," if such information is pushed forward (which is to say, approved of other participants) a certain number of times. This should help to ensure that, as the network expands, particularly valuable information does not become unduly "regionalized." A variant on the widget for use by readers (as opposed to network participants) displaying information that meets similar thresholds of popularity within the network would likewise provide those readers with a source of information above and beyond other existing mediums.



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In order to keep this effort independent and to allow me to concentrate on overseeing the project, you may make a donation via paypal to barriticus@aol.com; although I am fond of several of the publications for which I write and will continue to contribute to them for the foreseeable, there are others with which I would prefer to disassociate myself in favor of having more time to advance Project PM. Note that the project will remain independent regardless and that I'll continue to pay incidental expenses myself as necessary; we'll only be working with other entities to the extent that we retain editorial and other forms of control over all aspects of the project. Again, your contributions allow me to spend more time organizing this effort while still making rent each month. You'll also get a lot of bang for your buck in terms of the marginal utility of your patronage, as I am extraordinarily frugal, even Spartan insomuch as that I spend a lot of time sit-

ting around without a shirt on, or pants, or more than one sock. I smoke Pop Folling tobacco, which goes for around \$3 a package and is sold in many prison commissaries. I eat oatmeal for breakfast rather than endangered condor eggs dipped in wasabi-infused veal compote like Christopher Hitchens does. Anyway, the tobacco is necessary for my work.

Your contributions are not only appreciated, but of significant help to myself as well as those individuals – from influential and conscientious journalists to brilliant software engineers – who are putting their time and effort into this because they have determined that it is a viable way by which to bring needed change. We are growing as an entity much faster than I had expected, and as of now I am required to oversee a large and unprecedented operation while also tending to my existing workload as a writer, author, and spokesperson for a political action committee. I would like to drop the less important segments of this workload in able to have time to run this operation as best I can until such time as the legislative network is prepared to take over these duties in addition to its other functions. Your contribution will allow me to do so. Any funds I receive over \$500 in a given month will go into the experimental charity trust described above.

# Federal Grand Jury Charges Dallas Resident With Making An Internet Threat And Other Felony Offenses

# FOR IMMEDIATE RELEASE

**DALLAS** — A federal grand jury in Dallas returned a three-count indictment late yesterday charging Barrett Lancaster Brown in Count One with making an Internet threat; in Count Two with conspiring to make restricted personal information of an employee of the United States publically available, and in Count Three with retaliation against a federal law enforcement officer. Brown, 31, a resident of Dallas, was taken into federal custody last month for the conduct described in the indictment. Today's announcement was made by U.S. Attorney Sarah R. Saldaña of the Northern District of Texas.

Count One of the indictment sets out some of the threatening messages allegedly transmitted by Brown in September 2012 through the Internet on his Twitter.com account and his YouTube.com account, wherein he threatens to shoot and injure law enforcement and FBI agents, specifically focusing his retaliatory statements against one particular FBI agent.

In Count Two, the indictment further alleges that between March 2012 and September 2012, Brown conspired to make restricted personal information about that FBI agent and the agent's immediate family publically available with the intent to threaten and intimidate the agent and to incite the commission of a crime against the agent. In September 2012, Brown requested another individual to assist him find on the Internet restricted information about the FBI agent and the agent's immediate family. That individual did conduct a search on the Internet for the restricted information.

Count Three of the indictment alleges that Brown threatened to assault a federal law enforcement officer with the intent to retaliate against the officer on account of his performance of official duties.

An indictment is an accusation by a federal grand jury, and a defendant is entitled to the presumption of innocence unless proven guilty. Upon conviction, however, the maximum statutory sentence for each count of making Internet threats and each count of conspiracy to make publically available restricted personal information of an employee of the United States is five years in prison and a \$250,000 fine. The penalty, upon conviction, for retaliation against a federal law enforcement officer is up to ten years in prison and a \$250,000 fine.

The case is being investigated by the Dallas office of the FBI and prosecuted by the United States Attorney's Office in the Northern District of Texas.

USDOJ: US Attorney Case - 3 12 01 00 167 et as Document 90-7 Filed 09/04/13 Page 3 of 3 PageID 517 9/2/13 10:54 AM

# **Dallas Man Associated With Anonymous Hacking Group Faces Additional Federal Charges**

### FOR IMMEDIATE RELEASE

**DALLAS** — A federal grand jury in Dallas returned a 12-count indictment this week that charges Barrett Lancaster Brown in Count One with trafficking in stolen authentication features; in Count Two with access device fraud; and in Counts Three through Twelve with aggravated identity theft. Today's announcement was made by U.S. Attorney Sarah R. Saldaña of the Northern District of Texas.

Brown, 31, a resident of Dallas, is in federal custody on charges outlined in another indictment, returned in the Northern District of Texas on October 3, 2012, that charges him with making an internet threat, conspiring to make restricted personal information of an employee of the U.S. publically available and retaliation against a federal law enforcement officer.

Count One of the most recent indictment alleges that on approximately December 25, 2011, Barrett, aided and abetted by others, knowingly trafficked in more than five authentication features, knowing that such features were stolen and produced without lawful authority. According to the indictment, Brown transferred a hyperlink from an Internet Relay Chat (IRC) channel to an IRC channel under his control. That hyperlink provided access to data stolen from the company Stratfor Global Intelligence (Stratfor), which included more than 5,000 credit card account numbers, the card holders' identification information and the authentication features for the credit cards, known as the Card Verification Values (CVV). By transferring and posting the hyperlink, Brown caused the data to be made available to other persons online, without the knowledge and authorization of Stratfor and the card holders.

Count Two of the indictment alleges that from approximately December 25, 2011, through at least March 6, 2012, Brown, aided and abetted my others, possessed at least fifteen or more unauthorized access devices, in that he possessed stolen credit card account numbers and CVVs without the knowledge and authorization of the card holders.

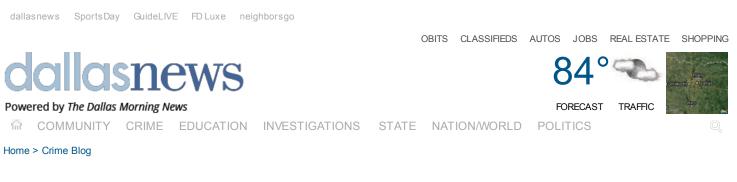
In Counts Three through Twelve, the indictment alleges that during the above-men-

tioned time period, Brown unlawfully transferred and possessed the means of identification, consisting of the CVVs; the card holders' names and usernames for online account access; and the card holders' physical address, phone numbers and email addresses.

An indictment is an accusation by a federal grand jury, and a defendant is entitled to the presumption of innocence unless proven guilty. Upon conviction, however, the trafficking count carries a maximum penalty of 15 years in prison and the access device fraud count carries a maximum penalty of 10 years in prison. Each of the aggravated identity theft counts, upon conviction, carries a mandatory two-year sentence in addition to any sentence imposed on the trafficking count. In addition, a fine of up to \$250,000 may be imposed on each count of conviction. Restitution could also be ordered.

The case is being investigated by the Dallas office of the FBI and prosecuted by the U.S. Attorney's Office in the Northern District of Texas.

USDOJ: US Attorney Case - 3 12 core 903 17 etxas Document 90-8 Filed 09/04/13 Page 3 of 3 PageID 520 9/2/13 10:57 AM



### Former JAG lawyer who took on Guantánamo Bay (and won) to become part of hacktivist Barrett Brown's legal team



By Robert Wilonsky rwilonsky@dallasnews.com 4:15 pm on April 30, 2013 | Permalink

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One of the most famous American attorneys in recent memory will make an appearance in a downtown Dallas federal courtroom Wednesday morning: Seattle's Charlie Swift, otherwise known as The Man Who Took on Guantánamo Bay and Won (for a while, at least). The lawyer who once defended Salim Ahmed Hamdan, Osama bin Laden's bodyguard and driver, will be here to take the case of a man who's been in federal custody ever since FBI agents raided his apartment in September: journalist-turned-hacktivist Barrett Brown.

Brown's looking at 100 years behind bars if convicted of the dozen-plus criminal charges filed by the government. Among his alleged crimes: threatening an FBI agent, conspiring to release the personal information of a U.S. government employee, identity theft and hyperlinking to "a document full of credit card numbers and their authentication codes that was stolen from the security company Stratfor" after it was hacked by Anonymous in 2011, per Vice's summation.

Swift says he's taking the case — along with Ahmed Ghappour, a clinical instructor with the National Security Clinic at UT Law School in Austin — because Brown's case represents "the cutting edge of law."

Gawker's Adrian Chen wrote in December that the feds' indictment "seems to criminalize linking." Many commenters responded that, no, the government's merely criminalizing the linking to illegally obtained information. Vice's Patrick McGuire insisted earlier this year that Brown wasn't just linking to the credit card information, but to millions of leaked emails Brown believed help prove that the government's involved with cybersecurity firms keeping tabs on American citizens. The credit card numbers were contained within that link to the leaked documents.

"The heart of the case is linking to something," says Swift. "That's fairly novel, and it involves First Amendment issues. It involves an extraordinary question. ... After the Pentagon Papers it was clear: Classified, secret information held by the government is public property, and if it's leaked the press has the right to publish it. The government now uses private subcontractors to store information, and the question is: Do the same protections apply to private information being compiled for the government? That for me is cutting-edge stuff that's raised in the age of Internet journalism and in the age of the new paradigm of an information state."

Though Swift and Ghappour have met with Brown and agreed to take the case, they're not yet his attorneys.

There's a hearing tomorrow morning in front of U.S. Magistrate Judge Paul Stickney, who will have to OK their appointment, which will be paid for using \$20,000 raised by a Free Barrett Brown legal defense fund. Stickney took control of that money on April 17, and will decide tomorrow if it can be spent on the attorneys. Right now Brown has a court-appointed public defender who is trying to steer this complicated case toward a September trial date.

And the linking is one small piece of the government's case against Brown, who posted to YouTube a series of videos titled "Why I'm Going to Destroy FBI Agent Robert Smith," in which he also threatens to go after the agent's kids.

"Quite frankly, that's the less interesting part of the case, but those are important charges from Barrett's perspective," says Swift. "My question for the government is: Why are you bringing these charges? Were you really afraid? Did he have real capability? I've not mastered the facts yet. But the allegations don't dissuade me."

Swift says Ghappour contacted him about joining Brown's legal team. Ghappour says he got involved after Brown's mother contacted Michael Tigar, one of the most famous criminal defense attorneys in the history of American jurisprudence, who referred to the case to Ghappour. He in turn called Swift because they used to work together, for starters.

"And I called him because of the nature of the case, which is a prime example of government overreach in the digital era," Ghappour says. "This is one of those cases that will set standards with respect to the First Amendment."

Swift says Brown's case reminds him of Salim Ahmed Hamdan's: When he took that case, which ultimately resulted in his acquittal thanks to the the U.S. Appeals Court for the District of Columbia in October, he didn't know anything about Guantánamo. And right now, he doesn't know much about hacktivism or Anonymous. But he's about to get a crash course, beginning tomorrow morning.

"What struck me in the Guantánamo case was where the law was going, and the ideas here have to do with preventative law enforcement, which is of extraordinary concern — that, and the First Amendment concerns," says Swift. "This is about suppression of dissent. I don't know if this is the case that decides that, but it intrigues me."

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# Month before hacktivist Barrett Brown's trial date in downtown Dallas, attorneys wrestle over delay, gag order

By Robert Wild rwilonsky@dal 12:49 pm on A	onsky Iasnews lugust 9,	.com 2013   Pe	ermalink			
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The federal trial of journalist-turned-hacktivist Barrett Brown is currently scheduled to begin in a downtown Dallas courtroom next month — a year after he was arrested in his Dallas apartment while in the midst of an online chat. That date may change: Some point soon, possibly before day's end, a federal judge will rule on a request made by Brown's attorneys to push the start date to February of next year.

The federal government vehemently opposes an extension, and has also asked the judge to "[restrict] the parties['] use of the media." Brown's attorneys call the government's move nothing short of a gag order.

Charlie Swift, best known as the attorney who defended Osama bin Laden's bodyguard and driver, and UT Law School's Ahmed Ghappour took Brown's case in April. Said Ghappour at the time, this case, which could land Brown behind bars for more than 100 years, "is one of those cases that will set standards with respect to the First Amendment." It's also a complicated one involving myriad counts of alleged criminal conduct, including threatening an FBI agent, conspiring to release the personal information of a U.S. government employee, identity theft and hyperlinking to "a document full of credit card numbers and their authentication codes that was stolen from the security company Stratfor" after it was hacked by Anonymous in 2011, as Vice explained earlier this year.

Since his arrest and detention in Mansfield, Brown has been the subject of myriad pieces heralding him as, among other things, a "political prisoner of the information revolution," per the U.K. Guardian's July headline. "If he is convicted," read a recent post on the Electronic Frontier Foundation's website, "it could have dire consequences for press freedom."

As far as the government's concerned, enough is enough.

"Since May 1, 2013, the government has reason to believe that Brown's attorney coordinates and/or approves the use of the media," says the feds' opposition to the extension, filed earlier this week. "Most of the publicity about Brown thus far contain gross fabrications and substantially false recitations of facts and law which may harm both the government and the defense during jury selection."

Swift and Ghappour vehemently disagree, per their Thursday filing.

"Mr. Brown has made no statements to the media since undersigned counsel appeared on the case," according to their filing — including the late Michael Hastings. "Second, Mr. Brown's counsel have not made any statements to the media, except to state matters of public record or to explain the steps of the legal process. Third, although Mr. Brown's purported associates may be making statements about this case, those statements were not attributed to (and, at least as of May 1, 2013, are not properly attributable to) Mr. Brown. Mr. Brown and his counsel are well aware of the importance of maintaining a large potential jury pool in the Northern District of Texas, and at least since May 1, 2013, neither Mr. Brown nor his counsel have engaged in any acts that could even arguably be characterized as effectively undermining or interfering with the selection of impartial jury members. Therefore, the government's request for a gag order should be flatly rejected as unwarranted."

As for Swift and Ghappour's request to delay, due in large part to the amount of electronic data involved in this case and the need for a "forensic vendor," the government says Brown's legal team has has "adequate time to prepare for trial." The feds also contend he did not waive his right to a speedy trial.

Via email Thursday evening, Swift said that while he appreciates the government's efforts to ensure everyone, including Brown, receive get those speedy trials guaranteed under law, "We are concerned with having sufficient time to prepare in order to ensure that Mr. Brown receives a fair trial."

Both sides' arguments are below.

Fight Over Barrett Brown Continuance and Gag Order by Robert Wilonsky

# theguardian

# How Barrett Brown shone light on the murky world of security contractors

Brown is not a household name like Edward Snowden or Bradley Manning. But after helping expose a dirty tricks plot, he faces jail



Arun Gupta theguardian.com, Monday 24 June 2013 08.30 EDT



Barrett Brown, former Anonymous spokesman

Any attempt to rein in the vast US <u>surveillance</u> apparatus exposed by <u>Edward</u> <u>Snowden</u>'s whistleblowing will be for naught unless government and corporations alike are subject to greater oversight. The case of journalist and activist Barrett Brown is a case in point.

<u>Brown made a splash in February 2011</u> by helping to uncover <u>"Team Themis"</u>, a project by intelligence contractors retained by Bank of America to demolish the hacker society known as <u>Anonymous</u> and silence sympathetic journalists like Glenn Greenwald (now with the Guardian, though then with Salon). The campaign reportedly involved a menagerie of contractors: Booz Allen Hamilton, a <u>billion-dollar intelligence industry</u> <u>player</u> and Snowden's former employer; <u>Palantir</u>, a PayPal-inspired and -funded outfit Case 3:12-cr-00317-L Document 90-11 Filed 09/04/13 Page 2 of 6 PageID 524 that sells "data-mining and analysis software that maps out human social networks for counterintelligence purposes"; and <u>HBGary Federal</u>, an aspirant consultancy in the intelligence sector.

The Team Themis story began in late 2010, when <u>Julian Assange warned</u> WikiLeaks would release documents outlining an "ecosystem of corruption [that] could take down a bank or two." Anticipating that it might be in Assange's sights, Bank of America went into <u>damage-control mode</u> and, as the New York Times reported, assembled "a team of 15 to 20 top Bank of America officials ... scouring thousands of documents in the event that they become public." To oversee the review, Bank of American brought in Booz Allen Hamilton.

Days later, Bank of America retained the well-connected <u>law firm of Hunton & Williams</u>, which was reportedly recommended by the <u>Department of Justice</u>. Hunton & Williams <u>promptly emailed</u> HBGary Federal, Palantir and Berico; they, in turn, "proposed various schemes to attack" WikiLeaks and Greenwald. In fact, Hunton & Williams had first <u>contacted the three tech firms in October 2010</u>, at the behest of the Chamber of Commerce to find out if it was being attacked by labor union-backed campaigners.

The final cast member, Aaron Barr, then CEO of HBGary Federal, started creating personal dossiers on Hunton & Williams employees to display his prowess as a social media ninja – his way of convincing the law firm that he could train them in the perils of social media. Barr was anxious to generate income for his <u>struggling subsidiary</u>.

According to the Team Themis proposal, its partners suggested creating false documents and fake personas to <u>damage progressive organizations</u> such as "ThinkProgress, the labor coalition called Change to Win, the SEIU, US Chamber Watch, and StopTheChamber.com". <u>According to reporting by Wired</u>, the three companies hoped to bill the Chamber of Commerce for \$2m a month. But while (as <u>leaked emails showed</u>) the parties in the plan went back and forth over how to apportion the spoils, nothing was forthcoming.

Then Hunton & Williams submitted the Bank of America proposal, and HBGary Federal, Palantir and Berico swung into action. On 2 December, just three days after Assange's warning, <u>Aaron Barr crafted the plan to launch "cyber attacks" on WikiLeaks</u>.

<u>The tech companies' emails</u> – which Anonymous hacked and Barrett Brown helped publicize – listed planned tactics:

"Feed[ing] the fuel between the feuding groups. Disinformation. Create messages around actions to sabotage or discredit the opposing organization. Case 3:12-cr-00317-L Document 90-11 Filed 09/04/13 Page 3 of 6 PageID 525 Submit fake documents and then call out the error."

They also proposed "cyber attacks", using social media "to profile and identify risky behavior of employees", and "get people to understand that if they support the organization we will come after them", implying threats. <u>There was also email chatter</u> about attacking journalists with "a liberal bent", specifically naming Greenwald. Some aspects of the Team Themis proposal were reminiscent of a <u>leaked 2008 Pentagon</u> <u>counterintelligence plan against WikiLeaks</u>.

In early January, <u>email messages from HBGary Federal show</u> plans for a meeting with Booz Allen Hamilton, apparently regarding Barr's plans against WikiLeaks and Anonymous. At this point, no one was buying Barr's scheme – even as he bragged to the <u>Financial Times</u>, on 4 February 2012, that he had used Facebook, Twitter and other social media to identify the "leaders" of Anonymous.

Barr believed that had <u>piqued the interest</u> of the "<u>FBI</u>, the Director of National Intelligence, and the US military". In fact, it had merely made him a marked man: two days later, <u>as Wired reported</u>, Anonymous "took down [HBGary Federal's] website, stole his emails, deleted the company's backup data, trashed Barr's Twitter account and remotely wiped his iPad." For his part, <u>Brown created Project PM</u>, "a crowd-sourced wiki focused on government intelligence contractors" <u>to delve through the tens of</u> <u>thousands of emails</u> taken from HBGary Federal's servers.

<u>A critical element in the story concerns the fact</u> that, according to one of the leaked emails, the companies were hoping that "if they can show that WikiLeaks is hosting data in certain countries it will make prosecution easier." The hacked emails also revealed, <u>Forbes reported</u>, that Barr was hoping to sell the information on Anonymous members to the FBI. The fact that Barr was stoking interest among security agencies with a dossier of supposed Anonymous members containing <u>incorrect names</u> meant that innocent people might have been jailed if he had succeeded in his scheme.

<u>Barr resigned</u> and HBGary Federal was subsequently shuttered. But the story doesn't end there. In July 2011, the Anonymous-linked "AntiSec" raided Booz Allen Hamilton and made off with 90,000 emails. One allegation that emerged from the cache was that BAH had been <u>working with HBGary Federal</u> "to <u>develop software that would allow</u> for the creation of multiple fake social media profiles to infiltrate discussion groups and manipulate opinion on the sites and discredit people, as well as to match personas online with offline identities."

Within days of the Team Themis scandal, Palantir issued a statement announcing that it

Case 3:12-cr-00317-L Document 90-11 Filed 09/04/13 Page 4 of 6 PageID 526 was cutting ties with HBGary Federal and issued an apology to Greenwald. Its reputation was at stake: in 2011, it scored \$250m in sales and its customers included the CIA, FBI, US Special Operations Command, army, marines, air force, LAPD and NYPD. Tim Shorrock, an intelligence industry analyst, believes that with an immigration bill working its way through Congress that will provide billions of dollars for border enforcement, Palantir is also well-positioned to win new clients like ICE and the DEA. Along with Booz Allen Hamilton, Palantir is reportedly being paid by the government to <u>mine social media for "terrorists"</u>.

They are just a few of the <u>nearly 2,000 private companies</u> involved in the US counterterrorism, homeland security and intelligence apparatus. Even as HBGary Federal has disappeared, the privatized surveillance state continues to expand. The <u>privatized intelligence budget</u> alone is estimated at \$56bn.

Given the revelations about domestic surveillance, Brown could speak volumes about the nexus between corporations and the state – except that he's been cooling his heels in a jail outside Dallas, Texas, for 290 days, awaiting two separate trials that could put him on ice for more than 100 years. The US government <u>has slapped Brown with 17</u> <u>counts</u> that include identity theft, stealing thousands of credit card numbers, concealing evidence, and "internet threats".

Ahmed Ghappour, attorney for Brown, calls the charges "prosecutorial overreach", and maintains most are related to legitimate journalistic practices, such as cutting-and-pasting a link and refusing to give the FBI access to his sources on a laptop, "a modern-day notebook". In contrast to the FBI's aggressive pursuit of Brown, no probe of the Team Themis project was launched – despite a <u>call from 17 US House representatives to investigate</u> a possible conspiracy to violate federal laws, including forgery, mail and wire fraud, and fraud and related activity in connection with computers. Ghappour asks:

"What length will the government go to prosecute journalists reporting on intelligence contractors? Brown was one of the first to report on the plan to take down Glenn Greenwald.

"It was clear Booz Allen Hamilton [whistleblower Edward Snowden's former employer] was consulting with the <u>NSA</u>, at least supporting their masssurveillance program, and this was one of the leads <u>Barrett was chasing</u> at the time of the arrest."

Team Themis also demonstrates that HBGary Federal tried to ramp up official fear of leakers and freedom of information activists for commercial ends. And it's hardly the

Case 3:12-cr-00317-L Document 90-11 Filed 09/04/13 Page 5 of 6 PageID 527 only one. Recent episodes involve <u>Wall Street banks encouraging police forces</u> to target Occupy Wall Street activists, <u>private security firms earning money</u> by hyping threats of environmental activists, and <u>chemical companies plotting</u> to intimidate scientists and public officials. Because corporations lack public oversight, privatizing critical public functions allows government to conduct dirty tricks with less scrutiny, while businesses can warp the very fabric of society by manufacturing threats in order to boost revenues and profits. As Ghappour asks again:

"Who's policing the corporations? Who's holding them accountable to the same standards as our government? And we need to question those standards given incidents like the Obama administration seizing the phone records of the AP."

On Christmas day 2011, the intelligence-analysis firm Stratfor, which Anonymous accused of running a <u>wide-ranging spying operation</u>, <u>was hacked</u>. Brown was the one who <u>alerted the mainstream media</u> to the hack: among the millions of files released were thousands of credit-card names and numbers. Like many, Brown posted a link to the files; it was this that the government would seize on to indict Brown for credit-card theft. According to Ghappour:

"That link was accessible to anyone in the world with an internet connection. That link was shared hundreds or even thousands of times that day but Barrett was the only one that was indicted."

On 6 March 2012, the <u>FBI raided Brown</u>, looking for among other things "records related to HBGary [Federal]". Under growing pressure, Brown posted a YouTube rant in September 2012, in which he spoke of his opiate use and made reference to the Zetas, a ruthless Mexican drug cartel. Speaking to his computer screen, Brown warned that "any armed officials of the US government, particularly the FBI, will be regarded as potential Zeta assassin squads and ... I will shoot all of them and kill them." Clearly, Brown felt persecuted, but it was an ill-advised statement, which has led to jail without bail for nine months and a harsh list of indictments.

Ghappour asserts there is a logic why the government is keen to prosecute private contractor whistleblowers and activist journalists like Brown:

"The problem is you have companies doing very sensitive intelligence work for the government. It follows that the enemies of those companies are your own [enemies]. And it would be in their interest to silence or prosecute journalists investigating those companies." Case 3:12-cr-00317-L Document 90-11 Filed 09/04/13 Page 6 of 6 PageID 528 Because of his role as a muckraking reporter, Brown has attracted defenders like <u>Glenn</u> <u>Greenwald</u> and Rolling Stones' Michael Hastings, who died last week in a car accident. Yet, perhaps because he wasn't as high-profile as Bradley Manning or as unassailable as Aaron Swartz, Brown hasn't attracted the type of support that can effectively pressure the government. But with the light thrown on the privatised national security state by the leaks from former BAH contractor for the NSA Edward Snowden, there is renewed interest in Brown's plight and the <u>campaign for justice in his case</u>.



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# CLASSIC C

The extremely odd case of America's least likely political prisoner **BY ALEXANDER ZAITCHIK**  BARRETT BROWN

HE MID-

June sun is setting on the Mansfield jail near Dallas when Barrett Brown, the former public face of Anonymous, shuffles into the visitors hall wearing a jumpsuit of blazing orange. Once the nattiest anarchist around, Brown now looks like every other inmate in the overcrowded North Texas facility, down to his state-issued faux-Crocs, the color of candy corn.

Brown sits down across from his cocounsel, a young civil-liberties lawyer named Ahmed Ghappour, and raises a triumphant fist holding several sheets of notebook paper. "Penned it out," he says. "After 10 months, I'm finally getting the hang of these archaic tools." He hands the article, titled "The Cyber-Intelligence Complex and Its Useful Idiots," to his lawyer with instructions to send it to his editor at The Guardian. Brown used to write for the British daily, but since he's been in prison, it's written about him and his strange legal ordeal that has had him locked up for nearly a year while he awaits trial next month. Should he be found guilty of all the charges the federal government is bringing against him - 17 counts, ranging from obstruction of justice to threatening a federal officer to identity fraud - he'll face more than 100 years in prison.

Given the serious nature of his predicament, Brown, 32, seems shockingly relaxed. "I'm not worried or panicked," he says. "It's not even clear to me that I've committed a crime." He describes his time here as a break from the drug-fueled mania of his prior life, a sort of digital and chemical fast in which he's kicked opiates and indulged his pre-cyber whims - hours spent on the role-playing game GURPS and tearing through the prison's collection of what he calls "English manor-house literature."

Brown has been called many things during his brief public career - satirist, journalist, author, Anonymous spokesman, atheist, "moral fag," "fame whore," scourge of the national surveillance state. His com-

ALEXANDER ZAITCHIK wrote about radio host Alex Jones in RS 1126.

mitment to investigating the murky networks that make up America's post-9/11 intelligence establishment set in motion the chain of events that culminated in a guns-drawn raid of his Dallas apartment last September. "For a long time, the one thing I was happy not to see in here was a computer," says Brown. "It appears as though the Internet has gotten me into some trouble."

ENCOUNTERING BARRETT BROWN'S

story in passing, it is tempting to group him with other Anonymous associates who have popped up in the news for cutting pleas and changing sides. Brown's case, however, is a thing apart. Although he knew some of those involved in highprofile "hacktivism," he is no hacker. His situation is closer to the runaway prosecution that destroyed Aaron Swartz, the programmer-activist who committed suicide in the face of criminal charges similar to those now being leveled at Brown. But unlike Swartz, who illegally downloaded a large cache of academic articles, Brown never broke into a server; he never even leaked a document. His primary laptop, sought in two armed FBI raids, was a miniature Sony netbook that he used for legal communication, research and an obscene amount of video-game playing. The most serious charges against him relate not to hacking or theft, but to copying and past-

\$56 billion industry that consumes 70 percent of the U.S. intelligence budget.

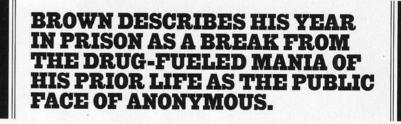
"Barrett was an investigative journalist who was merely doing his professional duty," says Christophe Deloire of Reporters Without Borders. "The sentence that he is facing is absurd and dangerous."



ROWN GREW UP IN THE AFfluent North Dallas neighborhood of Preston Hollow, where, following his parents' divorce, he lived with his New Age mother. Karen Lancaster always believed

her only son was special - he once wrote that she called him "an indigo child with an alien soul." Among her house rules was that mother and son meditate together daily. She instructed him in the predictions of Nostradamus and made sure he kept a dream journal for the purpose, as Brown described it, "of helping him divine the future by way of my external connection to the collective unconscious."

A precocious pre-adolescent reader and writer, Brown produced a newspaper on his family's desktop computer while in elementary school. When he started writing for the student paper at his private high school in the mid-Nineties, he quickly clashed with the paper's censors over his right to criticize the administration. "Barrett always challenged authority, even as



ing a link to data that had been hacked and released by others.

"What is most concerning about Barrett's case is the disconnect between his conduct and the charged crime," says Ghappour. "He copy-pasted a publicly available link containing publicly available data that he was researching in his capacity as a journalist. The charges require twisting the relevant statutes beyond recognition and have serious implications for journalists as well as academics. Who's allowed to look at document dumps?"

Brown's case is a bellwether for press freedoms in the new century, where hacks and leaks provide some of our only glimpses into the technologies and policies of an increasingly privatized national security-and-surveillance state. What Brown did through his organization Project PM was attempt to expand these peepholes. He did this by leading group investigations into the world of private intelligence and cybersecurity contracting, a

a kid, and anytime you go up against authority, you're going to get in trouble," says Brown's father, Robert. "You could sort of always see this coming."

By the time he reached high school, Brown had discovered Ayn Rand and declared himself an atheist. He founded an Objectivist Society at school and distinguished himself from other Randians by placing second out of 5,000 entrants in a national Ayn Rand essay contest. (Brown now expresses regret over this.) By all accounts, Brown hated everything about organized education, preferring to follow his own curricula and chat up girls on the bulletin-board systems of a stillembryonic Internet.

After his sophomore year, Brown told his parents he wasn't going back. He signed up for online courses and spent his junior year in Tanzania with his father, a Maserati-driving conservative, safari hunter and serial entrepreneur who was trying to launch a hardwood-harvesting

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Brown at a Bradley Manning rally in New York in 2011. He had already become an unofficial spokesman for Anonymous. The hacktivist collective's goals dovetailed with Brown's own ambitions to replace the journalistic establishment with a crowdsourced think tank he dubbed Project PM. He declared his mission with his usual flair, writing, "Never has there existed such opportunity for revolution in human affairs."

business. "Barrett loved living in Africa," says his father. "He preferred adventure to being in school with his peers. We weren't far from the embassy that was bombed that year."

Brown returned to the U.S. and in 2000 joined some of his childhood friends in Austin, where he spent two semesters taking writing classes at the University of Texas. After dropping out, he spent a summer doing what one friend calls a "heroic" amount of Ecstasy and acid before settling into the charmed life of a pre-crisis Austin slacker - working part-time, smoking pot and paying cheap rent in a series of group houses with enormous porches. Brown's roommates remember his rooms as being strewn with leaning towers of books and magazines - he especially liked Gore Vidal, P.J. O'Rourke and Hunter S. Thompson - but say he was not especially political. "After 9/11 and Iraq, there were a lot of protests in Austin," says Ian Holmes, a childhood friend of Brown's. "I don't remember him participating in it or being extra vocal, but he was against it all like everyone else."

As Brown built up his clip book and matured as a writer, his ambitions began to outgrow Austin. In 2007, Brown moved to Brooklyn with a group of old friends that called itself "the Texadus." Their Bushwick apartment emerged as a hub for Lone Star State refugees who liked to get high, crush beers and play video games. "People were always hanging out and coming and going," says Caleb Pritchard, a childhood friend of Brown's who lived with him in Austin and Brooklyn. Among the apartment's large cast of characters were a crew of weed-delivery guys from Puerto Rico and Honduras who used the apartment as a daytime base of business operations. "They brought over an Xbox, bought us beer and food and played strategy games with us," Pritchard says. "It was a good cultural exchange for a bunch of skinny white kids from Dallas."

As virtual-world games grew increasingly sophisticated, Brown spent more time in front of his computer. But he didn't play the games like most people. In Second Life, he linked up with a group of people known as "griefers," the term for hackers who in the mid-OOs became known for generating chaos inside videogame worlds. Socializing on the bulletin board 4chan.org, they formed the first cells of what would later become Anonymous. In the documentary We Are Legion, about the hacktivist group, Brown waxes nostalgic over his griefer period, when he'd spend entire nights "on Second Life riding around in a virtual spaceship with the words 'faggery daggery doo' written on it, wearing Afros, dropping virtual bombs on little villages while waving giant penises around. That was the most fun time I ever had in my life."

When everyone else went out to the bars, Brown stayed in. Aside from video

games and the odd afternoon of pick-up basketball, he also pounded out columns, diaries and blog posts for Vanity Fair, Daily Kos and McSweeney's, as well as restaurant reviews and essays for weeklies like New York Press and The Onion's A.V. Club. Though he had some paying gigs, he published most heavily in unpaid, selfedited community forums like Daily Kos and The Huffington Post. "Barrett wasn't really working in New York so much as getting by with the help of friends and family," says Pritchard. Among his unpaid gigs was his work as the spokesman for the Godless Americans PAC, which led to Brown's first TV appearance, on the Fox News morning show Fox & Friends.

In Brooklyn, Brown resumed shooting heroin, which he'd dabbled in off and on since he was 19. Over the years, doctors have diagnosed him with ADHD and depression. Accurate or not, the diagnoses suggest Brown was drawn to opiates for more than just the high. "When I joined him in Brooklyn in '08, Barrett was already basically a functional junkie," says Pritchard.

Heroin did not mellow Brown when it came to America's pundit class. Brown's critique made clear he didn't want to join the journalistic establishment so much as lash it without mercy. Then, in March 2010, he announced in a blog post the goal of replacing it, of making its institutions irrelevant and rebuilding them in the image of an overly self-confident 28-yearold junkie named Barrett Brown. It was perhaps his first public manifestation of extreme self-assurance that could come off as imperious self-importance. Brown himself did not deny it, once saying, "I don't think arrogance is something I'm in a position to attack anyone on."

The project envisioned by Brown was a new kind of crowdsourced think tank to be "established with a handful of contributors who have been selected by virtue of intellectual honesty, proven expertise in certain topics and journalistic competence in general." He named it Project PM, after a gang in William Gibson's *Neuromancer* called the Panther Moderns.

Brown conceived his new network partly as a response to what he saw as the sad state of affairs at the two main homes for his work, *Daily Kos* and *HuffPo*. After years of vibrancy, both now suffered from "the watering-down of contributor quality," he said. At Project PM, he assured that "below-average participants will have only very limited means by which to clutter the network."

With typical cigarette-waving flourish, Brown declared, "Never has there existed such opportunity for revolution in human affairs."

Had Project PM developed along the lines of Brown's original vision – as a kind of exclusive, experts-only, friends-of-

#### BARRETT BROWN

Barrett blogger network – it is extremely unlikely that Brown would now be in jail. Or that the FBI would have subpoenaed the company hired to secure its server, as it did in March. But Project PM ended up taking a different route.



HE EVENT THAT LOCKED Brown's path into a collision course with the federal government came on February 11th, 2010, when he posted an essay on *Huffington Post* that

he grandiloquently titled "Anonymous, Australia and the Inevitable Fall of the Nation-State."

At the time, Anonymous was in the news after some of its hackers, in an action they called Operation Titstorm, brought down Australian government servers in retaliation for the government's attempt to block certain kinds of niche pornography. For Brown, Titstorm was a world-historic game-changer, a portent of an age in which citizens could successfully challenge state power on their laptops and neutralize government propaganda and censorship.

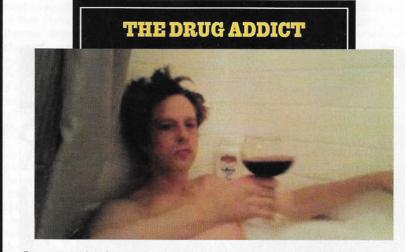
In the comically aggrandizing tone that had become his trademark, Brown concluded, "I am now certain that this phenomenon is among the most important and underreported social developments to have occurred in decades."

Among those taken by Brown's interpretation of Titstorm was Gregg Housh, a Boston Web designer and early Anonymous associate, who had emerged as a sort of quasi-spokesman for the group. Through Housh, Brown gained entrance to the online inner sanctums of the hackers he thought were turning history on its head. Housh, who was starting to feel burned out from fielding the barrage of international media requests, saw Brown as someone who could step in and talk to reporters for Anonymous.

"Barrett 'got it' in a way few journalists did," says Housh. "Soon, he was one of us, and that pretty much set the course for everything that happened next."

Brown always denied holding any official capacity as the spokesman of Anonymous, maintaining such a thing was not even possible given the amorphous nature of the group. Yet he embraced the media role with relish, sometimes using the royal "we" during interviews. In March 2011, Brown described himself to a visiting NBC News crew as a "senior strategist" for Anonymous. He also, along with Housh, began writing a book about the group, detailing the transformation of Anonymous from a community of amoral video-gameplaying punks into an ethical crusade, assisting street protests across the globe during the Arab Spring.

From the beginning, Brown's public role was a subject of internal controver-



Brown conducting an Anonymous strategy session from his bathtub in 2011. "Barrett was the court jester of Anonymous," says one expert who studied the group. "His behavior was legendary." Some of his erraticism could be explained by his battle with depression and drugs – he spent much of the past decade addicted to heroin. A friend and former roommate describes him as "a functional junkie."

sy. A minority dismissed and attacked him as a preening "name fag" – Anonymous slang for people who use their real names and speak to the press. Others were more bothered that Brown was a "moral fag," the term used by unrepentant griefers to describe the new generation of hacktivists who began flocking to the Anonymous banner in 2008. In *We Are Legion*, Brown makes his allegiance clear, hailing the hacktivists for turning a "nihilist, ridiculous group" into a "force for good."

Yet something of the old griefer remained in Brown even after his and the group's politicization process had converged to take on the world of intelligence outsourcing. "He was just trolling the hell out of these corporate-surveillance guys," says Joe Fionda, a New York activist who assisted Brown in his investigations. "Not just doing the serious research work no one else was doing – getting tax files and all that – but calling them at their homes to introduce himself, sometimes straight up pranking them. He's legit funny and sees the humor and the absurd in everything."

Another former colleague, a Boston Web developer and activist named Lauren Pespisa, shared Brown's love of prank calls: "Sometimes we'd drink and prankcall lobbyists for fun. We went after this one group, Qorvis, because they were helping the kingdom of Bahrain handle its image when they were shooting people. So we'd call them up and 'dragon shout' at them," she says, referring to a sound effect in one of Brown's favorite video games, *The Elder Scrolls V: Skyrim.* 

By combining the two ethos of Anonymous, Brown won over more people than he alienated. Part of his appeal was the act of his drily affected pseudo-aristocraticasshole persona, which he exaggerated during media appearances. He preferred a corduroy sports jacket to the Guy Fawkes mask that Anonymous members favor. A typical portrait showed Brown's arm slung over a chair, a Marlboro dangling off his bottom lip and a stuffed bobcat on the wall behind him. He was both loved and hated for being one of the more colorful characters found in the Internet Relay Chat rooms where hackers gathered. He famously once conducted a strategy session while drinking red wine in a bubble bath.

"Barrett became a bit like the court jester of Anonymous," says Gabriella Coleman, a professor at McGill University who has written about the network. "His behavior was legendary because he was the ethical foil. Anonymous isn't just for hackers. People like Barrett Brown can thrive: the organizer, the media-maker, the spectacle-maker."



HEN BROWN MET Housh, he was nearing the end of his threeyear stint in Brooklyn. In the spring of 2010, Brown called his parents and told them he

had a heroin problem. At their urging, he returned to Dallas and began an outpatient treatment that included the heroin replacement Suboxone. It was from a tiny Dallas apartment that Brown deepened his involvement with Anonymous. Since most of his friends lived in Austin, his new social life consisted of the IRC rooms populated by hacktivists. It was a world of nonstop, petty cyberintrigue, which to outsiders can appear like a hellish fusion of *The Hollywood Squares*, WarGames and Degrassi Junior High.

Pritchard remembers the first time Brown crashed on his couch in Austin after his return to Dallas. "I'd wake up, and he'd be online having conversations with these kids on Skype or something," he says. "Barrett would say, 'I know what you're doing!' The other guy would be stroking his chin like he's Dr. Claw, saying, 'No, I know what *you're* doing.' It was nonstop cyberwar, with these dorks just dorking it out with each other. It seemed like a bunch of kids trolling each other."

Still, Pritchard appreciated that beneath the dorkery, Brown was involved in serious business. This was Brown's first year as an unofficial spokesman for Anonymous, and it was eventful. The hackers were aiding the uprisings of the



FTER OPERATION PAY-Back, Anonymous was on the radar of every private security firm looking to build a quick reputation. In the office of Aaron Barr, CEO of a struggling digital-

security contractor called HBGary Federal, it was the biggest thing on the radar. Barr was convinced that taking down Anonymous before it struck again was a fast track to industry juice and massive contracts. In February 2011, he bragged to *The Financial Times* about the supersecret sleuthing techniques he had developed to get the goods on Anonymous. He claimed to know the identities of the group's leaders. Implicit in Barr's comments was the possibility of federal raids on those identified.

Partly to avoid that outcome, and partly out of curiosity, an Anonymous cell hacked HBGary's servers. They discovered that Barr's techniques involved hanging out on major social-media sites and compiling lists of mostly innocent peo-



Arab Spring, and assaulted PayPal and credit-card companies in retaliation for their refusal to process donations to WikiLeaks. This latter action, called Operation PayBack, earned the attention of the Justice Department. In the summer of 2011, the FBI issued 35 search warrants and arrested 14 suspected hackers.

By the time of the arrests, Brown's focus had settled squarely on the nexus between government agencies, private intelligence firms and the informationsecurity industry - known as InfoSec contracted to build programs and technologies of surveillance, disruption and control that Brown suspected were in many cases unconstitutional. What's more, he was as bratty as ever about it. He phoned CEOs and flacks at their homes and called them liars. He boasted about bringing the whole system down. As the first raids and arrests took place following Operation PayBack, some observers of Brown's antics began to suspect that the court jester of Anonymous was not a very safe thing to be.

"You could just tell it was going to end badly," says an Anonymous member and veteran hacker. "When he really started making noise about going after these intel-contracting companies, I was like, 'You're going to get locked up, kid." ple. It wasn't the only example of his staggering miscalculation: Within minutes, the hackers easily got around the firm's security defenses, ransacking company servers, wiping Barr's personal tablet and absconding with 70,000 internal e-mails. Stephen Colbert devoted a segment to the fiasco, based around the image of Barr sticking his penis in a hornets' nest.

Once the hackers who broke into HB-Gary's servers discovered that Barr was basically a clown, they abandoned pursuit. "There were tens of thousands of e-mails and no one wanted to go through them," says an Anonymous associate who observed the HBGary hack. "Everyone was like, 'We're not even going to dump these, because there's no point.""

Brown disagreed. When the hackers posted the e-mails on a BitTorrent site, he used Project PM to organize the painstaking work of collating and connecting the dots to see what picture emerged.

"Nobody was reading more than a couple of the e-mails before getting bored," says the Anonymous associate. "But Barrett has this strangely addictive and journalistic kind of mind, so he could stare at those e-mails for 10 hours. He'd be sitting alone in the HBGary channel, yelling at everyone, 'You've got to pay attention! Look at the crap I found!'" Brown quickly drew in some 100 volunteers to help him trawl through and make sense of the e-mails.

The HBGary cache offered one of the fullest looks ever at how corporate-state partnerships were targeting groups they considered subversive or inimical to the interests of corporate America. The projects under consideration at HBGary ranged from cyberattacks and disinformation campaigns targeting civic groups and journalists to *Weird Science*-supermodel avatars built to infiltrate and disrupt leftwing and anarchist networks.

Project PM volunteer investigator Joe Fionda remembers the disturbing thrill of uncovering HBGary's use of a *Maxim* pinup to create online personas designed to spy for corporate and government clients. "I couldn't believe how much crazy shit they were up to," Fionda says. "My brain still feels like it's going to explode."

The biggest fish flopping in Brown's net was the story of a cluster of contractors known as Team Themis. The origins of Team Themis dated to Bank of America's alarm over Julian Assange's 2010 claim to possess documents that "could take down a bank or two." The Department of Justice recommended Bank of America retain the services of the white-shoe D.C. law firm Hunton & Williams and the high-powered intelligence contractor Booz Allen Hamilton. On behalf of Bank of America, Hunton & Williams turned to the large and growing world of InfoSec subcontractors to come up with a plan, settling on HBGary and two data-intelligence shops, Berico Technologies and Palantir Technologies.

The Themis three were also preparing a proposal for Hunton & Williams on behalf of another client, the U.S. Chamber of Commerce. The leaked HBGary documents revealed that Themis was exploring ways of discrediting and disrupting the activities of organized labor and its allies for the Chamber. The potential money at stake in these contracts was considerable. According to Wired, the trio proposed that the Chamber create a \$2-million-amonth sort of cyber special-forces team "of the kind developed and utilized by the Joint Special Operations Command." They also suggested targeting a range of left-of-center organizations, including the SEIU, watchdog groups like U.S. Chamber Watch, and the Center for American Progress. (The Chamber of Commerce and Bank of America have denied ever hiring Team Themis or having any knowledge of the proposals.)

In pursuit of the Chamber and Bank of America contracts, the Themis three devised multipronged campaigns amounting to a private-sector information-age COINTELPRO, the FBI's program to infiltrate and undermine "subversive" groups between 1956 and 1971. Among the TheBARRETT BROWN

mis ideas presented to Hunton & Williams: "Feed the fuel between the feuding groups. Disinformation. Create messages around actions to sabotage or discredit the opposing organization. Submit fake documents and then call out the error."

The revelations represented a triumph for Brown and his wiki. A group of Democratic congressmen asked four Republican committee chairs to hold hearings on the "deeply troubling" question of whether "tactics developed for use against terrorists may have been unleashed illegally against American citizens." But the calls for investigation went nowhere. The lack of outrage in Washington or on influential editorial pages didn't shock Brown, who had long ago lost hope in the politicians and pundits who are "clearly intent on killing off even this belated scrutiny into the invisible empire that so thoroughly scrutinizes us - at our own expense and to unknown ends."

It was Brown's finest moment, but his relationship with Anonymous was rapidly deteriorating. By May 2011, Brown had begun turning on the network. "There's little quality control in a movement like [Anonymous]," Brown told an interviewer. "You attract a lot of people whose interest is in fucking with video-game companies."

Brown's haughty dismissal of the new crop of hacktivists was not a feeling shared by the FBI. The government continued to see Anonymous as a major and growing threat. And in the summer of 2011, it acquired a key piece in its operation to destroy the network. On the night of June 7th, four months after the HBGary hack, two federal agents visited the Jacob Riis public-housing project on Manhattan's Lower East Side and introduced themselves to a 27-year-old unemployed hacker named Hector Monsegur, known inside Anonymous as "Sabu." As a leader of an Anonymous offshoot called Lulzsec, he had hacked a number of state and corporate servers. In early 2011, he made some rookie errors that led the FBI to his door: Facing the prospect of being indicted on 12 counts of criminal conspiracy, Sabu rolled over on his old hacker associates. He signed a cooperation agreement and began feeding the FBI information on Anonymous plots. The biggest of these involved a private global intelligence contractor located in Barrett Brown's backyard, the Austin-based Stratfor.



N EARLY DECEMBER 2011, A young Chicago Anon named Jeremy Hammond cracked Stratfor's server and downloaded some 5 million internal documents. With the apparent blessing and supervision of the FBI,

Sabu provided the server for Hammond to store the docs. Hammond then proceeded to release them to the public. Sifting through the data dump would require

a massive coordinated effort of exactly the kind Project PM had been training for. Brown and his dedicated volunteers attacked the mountains of e-mails. "We had between 30 and 50 people involved, usually 15 at a time," says Lauren Pespisa, the Boston Project PM volunteer who now helps organize Brown's legal-defense fund.

After six months of work, Brown would discover what he considered the fattest spider amid the miles of Stratfor web: a San Diego-based cybersecurity firm called Cubic. As Brown followed the strings, he discovered links between Cubic and a data-mining contractor known as TrapWire, which had ties to CIA vets. Brown thought that he had stumbled on a major find illuminating new technologies for spying and surveillance, but the media pickup was not what Brown had hoped. Major dailies shrugged off the story, and Gawker and Slate poured cold water on his alarm, calling it "outlandish." Brown responded to the criticism with a rambling, connect-theconspiracy-dots YouTube video.

It wasn't just gossip sites that viewed Brown's reading of the Stratfor docs with a skeptical eye. Even sympathetic students profit from this information, or that he ever had the information in his possession. He was openly critical of such motives and disapproved of hacking for the sake of it. This was a big part of his rift with Anonymous – why he was considered a 'moral fag' by some."

The FBI raided Brown's Dallas apartment on the morning of March 6th, 2012, three months after the Stratfor hack, and one day after Jeremy Hammond was arrested in Chicago. More than a dozen feds led by agent Robert Smith knocked down the door with warrants for Brown's computers and seized his Xbox. Brown was staving at his mother's house nearby. Later that morning, the agents appeared at the home of Brown's mother with a second warrant. They found his laptop in a kitchen cabinet, and she was later charged with obstruction. Brown, who was in the shower preparing for a TV interview when the agents arrived, was not arrested. The agents left with his laptop.

Among hacktivists, theories differ on the motive behind the FBI action. As one of the few public figures associated with Anonymous, Brown made a soft target



of intelligence contracting urged caution about interpreting the TrapWire materials. "I applaud anyone digging into this stuff, but you can't really draw conclusions from what these contractors say in these e-mails because they're bragging and they're trying to land business," says Tim Shorrock, whose 2008 book *Spies for Hire* first exposed the scope of the intelligencecontracting industry. "Some of the quoteunquote intelligence that Stratfor was reporting on was ludicrous. Why would an intelligence agency buy this stuff?"

Meanwhile, deeply buried in the Trap-Wire debate was the fact that included in the Stratfor docs were the credit-card numbers of 5,000 Stratfor clients. Brown likely did not give the numbers a second thought. But it's these numbers that form the most serious charges against Brown. The government alleges that when Brown pasted a link in a chat room to the alreadyleaked documents, he was intentionally "transferring" data for the purpose of credit-card and identity fraud.

"If the Pentagon Papers included creditcard info, then would *The New York Times* have been barred from researching them?" says Brown's co-counsel Ghappour. "There is nothing to indicate Barrett wanted to with a potentially very valuable hard drive or two. Some say it was meant as a warning; others say Brown had simply pissed off too many powerful people, or was getting too close to something big.

Then there is the theory, advanced by Gregg Housh, that Brown and Hammond were targeted out of frustration with a blown sting against WikiLeaks founder Julian Assange. After looking into the Stratfor hack, Housh believes that the FBI allowed the hack to proceed not in order to arrest Hammond but Assange. "The idea was to have Sabu sell the stolen Stratfor material to Assange," says Housh. "This would give them a concrete charge that he had knowingly bought stolen material to distribute on WikiLeaks."

Housh believes Hammond got wind of Sabu's plan to sell the documents to Assange and dumped them before the transaction could take place. While there is no proof of contact between Sabu and Assange, Sabu reportedly communicated with Sigurdur Thordarson, a teenage Icelandic WikiLeaks volunteer and an FBI informant.

"Hammond had no idea what he'd done," says Housh. "The FBI were a day away from having evidence against Assange,



and Hammond screwed it up for them. That's why they went after him so hard."

Yet Hammond, who led the Stratfor hack, faced only 30 years before cutting a plea deal for 10. Why is Brown facing 105?



OLLOWING THE MARCH raid, Brown continued his investigations and planned for the future of Project PM. 2012 was going to be a big year. He had a new nucleus of friends and colleagues in

Boston, where he was going to move and live in an activist group house. His investigations increasingly took place outside the Anonymous network. Brown had new allies in groups like Telecomix, a collective that operated its own crowdsourcing investigations into the cybersurveillance industry. That summer, he visited New York for the Hackers on Planet Earth conference, an annual gathering of hackers and activists, where he met a few of his Project PM colleagues offline for the first time. "I remember he was wearing a full suit in this crazy heat, sweating profusely in the lobby of the Hotel Pennsylvania," says Fionda. "He was still struggling with kicking heroin, he had tremors and looked like he was in a lot of pain. But he was full of energy. He was telling everyone, 'We're going to the center of the Earth with this story!

But Brown's mental state seemed to deteriorate during the summer of 2012. Having battled depression throughout his life, he had gone off his meds and was simultaneously struggling with cold-turkey breaks from Suboxone for heroin withdrawal. His YouTube channel documents the effects. In August, Brown posted a clip that showed him skeet-shooting over the words of Caligula's lament: "If only all of Rome had just one neck." In early September, as Brown planned his move to Boston, he struggled to contain his rage at the local FBI agent Robert Smith, who had raided his mother's home and taken his beloved Xbox.

In September, Brown uploaded a discombobulated three-part video series, the last one titled "Why I'm Going to Destroy FBI Agent Robert Smith." In the videos, Brown struggles to maintain focus. He demands the return of his Xbox and warns that he comes from a military family that has trained him with weapons – weapons he says he'll use to defend his home. He calls Smith a "fucking chickenshit little faggot cocksucker" before uttering the words he has since admitted were ill-considered, as well as the result of a chemically combustive mental state.

"Robert Smith's life is over," says Brown. "And when I say his life is over, I don't say I'm going to go kill him, but I'm going to ruin his life and look into his fucking kids. How do you like them apples?"

It takes a suspension of disbelief to hear a credible physical threat as defined by law. The rail-thin Brown appears a desperate, pathetic character in need of psychiatric help. A more humane FBI office might have sent a doctor rather than a car of armed agents. But the FBI didn't send a shrink. That evening a team of armed agents stormed Brown's apartment, threw him violently to the ground and arrested him for threatening a federal officer.

Over the next four months, federal grand juries issued three multicount indictments for obstruction and "access device fraud" related to the Stratfor link. It is the last of these that concern civil-liberties activists and that could have a possible chilling effect. "One can't apply the transfer provision of the statute to someone conducting research," says Ghappour. "If cutting and pasting a link is the same as the transfer of the underlying data, then anyone on the Internet is prone to violating the Computer Fraud and Abuse Act."

The FBI has shown interest in expanding that theoretical "anyone" to include Brown's circle of volunteers. In March, the bureau went hunting for the digital fingerprints of Project PM administrators with a subpoena. The action has shaken the group's inner circle, as it was surely intended. "It was a pretext to sow discord and fear in Barrett's project," says Alan Ross, a U.K. investigator for Project PM. "They were desperate to bolster their case. After the subpoena, people began to worry about being monitored. I worry about my personal safety even though I acted within the confines of the law. I worry about travel."

Travel is one thing Brown does not have to worry about at the moment. Nor, if the government gets its way, will he have to worry about handling the media, his former specialty. In August, the prosecution requested a gag be placed on Brown and his lawyers, a move that suggests they understand the dangers of public scrutiny of the legal peculiarities of United States vs. Barrett Lancaster Brown.

Meanwhile, Brown has not joined the prison tradition of mastering the law behind bars. Rather than study up on cyberfraud statutes, he has resumed his writing on intel contractors and the pundits who defend them. "Nobody talks to me here," Brown says of his year in jail, "but I was pretty unsociable on the outside too." One of the hardest things about incarceration for the atheist has been contending with his cellmates' singing of hymns. "Prison is great for reading and for thought, until they start in with their Pentecostal nonsense," says Brown. "It ruins everything."

His friends keep him supplied with articles and printouts, which lately have included material related to the Edward Snowden leak. Snowden gained access to information about secret NSA spying on private citizens while working for the intelligence subcontractor Booz Allen Hamilton, a company that had been on Brown's radar long before most Americans learned of it in the wake of Snowden's bombshells.

"This is all much bigger than me," Brown says in the visiting room. "What matters is this." He leans over to tap his handwritten manuscript. The pages of the essay are messy on the table, and sticking out from under the pile is the last sentence on the last page. "This is the world that we accept if we continue to avert our eyes," it says. "And it promises to get much worse."

# theguardian

# The cyber-intelligence complex and its useful idiots

Those who tell us to trust the US's secret, privatised surveillance schemes should recall the criminality of J Edgar Hoover's FBI



Barrett Brown theguardian.com, Monday 1 July 2013 11.21 EDT



J Edgar Hoover (right, with President Richard Nixon) ran the FBI's illegal Cointelpro domestic political surveillance scheme. Photograph: Bettmann/Corbis

It's a fine thing to see mainstream American media outlets finally sparing some of their attention toward the cyber-industrial complex – that unprecedented conglomeration of state, military and corporate interests that together exercise growing power over the flow of information. It would be even more heartening if so many of the nation's most influential voices, from senator to pundits, were not clearly intent on killing off even this belated scrutiny into the invisible empire that so thoroughly scrutinizes us – at our own expense and to unknown ends.

Summing up the position of those who worry less over secret government powers than they do over the whistleblowers who reveal such things, we have <u>New York Times</u>

Case 3:12-cr-00317-L Document 90-13 Filed 09/04/13 Page 2 of 5 PageID 537 <u>columnist Thomas Friedman</u>, who argues that we can trust small cadres of unaccountable spies with broad powers over our communications. We must all wish Friedman luck with this prediction. Other proclamations of his – including that Vladimir Putin would bring transparency and liberal democracy to Russia, and that the Chinese regime would not seek to limit its citizens' free access to the internet – have not aged especially well.

An unkind person might dismiss Friedman as the incompetent harbinger of a dying republic. Being polite, I will merely suggest that Friedman's faith in government is as misplaced as faith in the just and benevolent God that we know not to exist – Friedman having been the winner of several of the world's most-coveted Pulitzer Prizes.

If Friedman is, indeed, too quick to trust the powerful, it's a trait he shares with the just over half of Americans, who tell pollsters they're fine with the <u>NSA</u> programs that were until recently hidden from their view. Why, our countrymen wonder, ought we to be disturbed by our state's desire to know everything that everyone does? Given the possibility that this <u>surveillance</u> could perhaps prevent deaths in the form of terrorist attacks, most Americans are willing to forgo some abstract notion of <u>privacy</u> in favor of the more concrete benefits of security.

Besides, the government to which we're ceding these broad new powers is a democracy, overseen by real, live Americans. And it's hard to imagine American government officials abusing their powers – or at least, it would be, had such officials not already abused similar but more limited powers through repeated campaigns of disinformation, intimidation and airtight crimes directed at the American public over the last five decades. <u>Cointelpro</u>, Operation Mockingbird, Ultra and Chaos are among the now-acknowledged <u>CIA</u>, <u>FBI</u> and <u>NSA</u> programs by which those agencies managed to subvert American democracy with impunity. Supporters of mass surveillance conducted under the very same agencies have yet to address how such abuses can be insured against in the context of powers far greater than anything J Edgar Hoover could command.

Many have never heard of these programs; the sort of people who trust states with secret authority tend not to know what such things have led to in the recent past. Those who do know of such things may perhaps contend that these practices would never be repeated today. But it was just two years ago that the late <u>Michael Hastings revealed</u> that US army officials in Afghanistan were conducting psy-ops against visiting US <u>senators</u> in order to sway them towards continued funding for that unsuccessful war. If military and intelligence officials have so little respect for the civilian leadership, one can guess how they feel about mere civilians.

Case 3:12-cr-00317-L Document 90-13 Filed 09/04/13 Page 3 of 5 PageID 538 Not that anyone need merely guess. Discussing the desirability of such "information operations" in <u>his 2001 book, retired USAF Lt Col George Crawford</u> noted that voters tend to view these sorts of programs with suspicion. "Consequently," he concludes, "these efforts must take place away from public eyes."

And so they do. If we want to learn a thing or two about the latest round of such programs – that is, if we are willing to disregard the Thomas Friedmans of this world – we must look not just towards the three letter agencies that have routinely betrayed us in the past, but also to the <u>untold number of private intelligence contracting firms</u> that have sprung up lately in order to betray us in a more efficient and market-oriented manner. Our lieutenant colonel, scourge of "public eyes", is among the many ex-military and intelligence officials who have left public service, or public obfuscation – or whatever we're calling it now – to work in the expanding sphere of private spookery, to which is outsourced information operations by the Pentagon, spy agencies, and even other corporations who need an edge over some enemy (in Crawford's case, the mysterious <u>Archimedes Global</u>).

So, how trustworthy is this privatized segment of the invisible empire? We would know almost nothing of their operations were it not for a chance turn of events that <u>prompted</u> <u>Anonymous-affiliated hackers to seize 70,000 emails from one typical firm back in early</u> <u>2011</u>. From this more-or-less random sampling of contractor activity, we find a consortium of these firms plotting to intimidate, attack and discredit <u>WikiLeaks</u> and those identified as its key supporters, including the (then Salon, now Guardian) journalist Glenn Greenwald – a potentially illegal conspiracy concocted on behalf of corporate giant Bank of America, which feared exposure by WikiLeaks, and organized under the auspices of the Department of Justice itself.

We find several of the same firms – which collectively referred to themselves as Team Themis – involved in another scheme to deploy sophisticated software-based fake people across social networks in order to infiltrate and mislead. For instance, Themis proposes sending two of these "personas" to pose online as members of an organization opposed to the US Chamber of Commerce, another prospective Themis client, in order to discredit the group from within. Yet another revelation involves a massive crossplatform military program of disinformation and surveillance directed at the Arab world; still another relates how one <u>NSA</u>-inked firm can monitor and attack online infrastructure throughout the world, including western Europe, and will rent these capabilities out to those with a few million dollars to spend on such things.

And Booz Allen Hamilton, which has received some belated scrutiny as the eminently powerful employer of NSA leaker <u>Edward Snowden</u>, was apparently in talks with

Case 3:12-cr-00317-L Document 90-13 Filed 09/04/13 Page 4 of 5 PageID 539 <u>Themis participant HBGary Federal</u> regarding its own still-secret "project" involving, again, WikiLeaks. These are simply a few of the revelations stemming from a portion of the email correspondence among a handful of major contracting firms – a tiny, serendipitous sampling of what such firms are doing for their government and corporate clients as they compete for contracts.

Hundred of these sorts of companies have come about in the last few years, operating in close partnerships with the state, yet existing beyond the view of Congress, the media and "public eyes". Even in the unlikely instance when their activities come to light, potentially illegal behavior goes unpunished; even calls by congressmen to investigate the sordid Themis conspiracy were ignored by the Department of Justice, which, of course, set the whole thing in motion to begin with through its recommendation.

This, then, is the environment in which public officials and Beltway insiders like Friedman are asking us to trust the intelligence community and its private partner firms with increasing power over information. It's an age in which even the limited rules in place can be broken with impunity by the powerful – even as journalists and activists who cross them are targeted for destruction by state-corporate alliances armed with increasingly sophisticated cyber weapons, propaganda techniques and surveillance authority.

This is the world we accept if we continue to avert our eyes. And it promises to get much worse.

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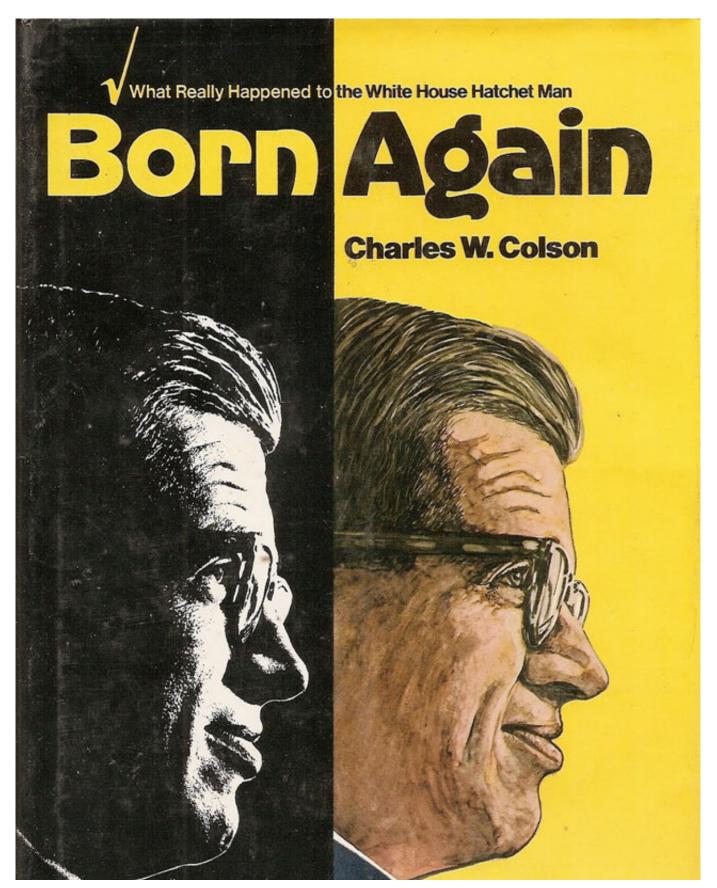
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# **READING 'BORN AGAIN' IN JAIL**



http://www.vice.com/read/reading-born-again-in-jail-by-barrett-brown-chuck-colson



I've spent the last year or so in a federal lock-up awaiting trial on charges that have been duly **analyzed elsewhere**. Long story short: I'm facing decades in prison. This is inconvenient in some respects, but there are perks. Had I not been imprisoned, I probably never would have gotten around to reading the book that's been a beloved staple of the US Corrections System since it was first published in 1975: *Born Again*, by Nixon aide Chuck Colson, who famously found Jesus before his brief incarceration on Watergate-related offenses. Christianity is popular among inmates—almost as popular as crime—and *Born Again* has plenty of both. As for me, I've always fancied myself an aficionado of flailing, nonsensical political prose, which is why I once read a whole book by William Bennett. Colson's volume didn't just scratch my itch; it taught me a great deal about American civic life in the 60s and 70s, to boot. I'd like to pass on some of what I learned, even if most of it is terribly inaccurate.

The introduction to *Born Again*, added after the wild success of its first few printings, is largely given over to explaining that Colson didn't mean to make the great deal of money off of it that he was making at the time. "I had received lucrative offers to write political memoirs, but I felt compelled to tell people the simple story of what God had done in my life... I had no idea there even was a Christian publishing industry." But, oops, it turns out there is, and so Colson accidentally made a whole lot of money anyway.

"Watergate has raised so many questions," Colson notes, but we are only confronted with one: "Can humanism ever be the answer for our society?" This, seriously, is the most central question that occurs to Colson in the context of Watergate, with the Nixon Administration somehow representing humanism. And of course, the answer is no, as Colson makes clear. "There is an almost sanctified notion that man can do anything if he puts his will to it." If the humanists could only see how badly Colson fucked up his chance to become a respected power broker of a dying republic, they might have the decency to stop almost sanctifying such delirious notions. "I no longer believe I am master of my destiny. I need God; I need friends with whom I can honestly share my failures and feelings of inadequacy." Such inadequacy is very much on display in that this is the best Colson can come up with even after a year of sitting around in prison trying to figure out how to set up humanism to take the fall for a bunch of shit that he and his conservative friends did. After a few more feints at exposition, the introduction runs its course, which is probably for the best. The first chapter is entitled "Something Wrong," perhaps in reference to the grammar, usage, and punctuation mistakes that interlace the book, all of which we must presumably blame on humanism. The narrative begins at a postelection "Victory Party," which of course is capitalized because you always capitalize parties. Colson relates how empty this 1972 "Victory Party" felt compared to the more emotionally fulfilling 1968 "Victory Party" wherein everyone had felt more, uh, Victorious. Worse, someone invited the world's worst party guest. "Then we were cornered by Senator Bob Dole, the Republican national chairman. Angrily he jabbed his finger at me. 'The President didn't even mention the committee in his speech!'" The unease went deeper than just the soulcrushing presence of Dole. The real problem was, of course, humanism, and the false sense of pride it confers among its devotees. "In fact, pride was at the heart of the Nixon presidency in its reach for historical greatness." In which case, the Ford administration must have been more to Colson's taste. But hark! We're transitioning into a flashback! "And pride had been at the heart of my own life, too, as far back as I could remember." Seamless.

"It was a sunny day in early June 1949 for graduation ceremonies at Brown and Nichols, a small private school in Cambridge," Colson relates, really bringing the scene to life for us. And having attended his precious Cambridge private high school, and then having received a scholarship from Harvard, what do you suppose Colson does? You will never guess. He begins to whine. You see, there exists an informal class of people known as the Boston Brahmins who hold no special rights or ancestral privileges but who nonetheless apparently run Boston, Harvard, and probably the whole world, and Colson was never invited to play their WASPy reindeer games, such as, I suppose, croquet. "We were neither the new ethnics-Italians, Irish Catholics just seizing political power in the wards of Boston-nor old stock. 'Swamp Yankees,' we were called. Acceptance was what we were denied - and what we most fervently sought." Isn't that a sad fucking story? Martin Luther Honkey over here had a real rough childhood, it seems, having presumably been forced to use the Swamp Yankee water fountains instead of those marked "Brahmin Only" and otherwise having a rough time of it while all the blue-blooded dagoes divided the city up among themselves, leaving nothing for Generic White People, Cursed Among Men. As much of a nightmare as postwar Massachusetts must have been, Colson X is subjected to an indignity well beyond the imaginary ones described thus far when the Brahmin overlords send one of their number down from the pyramid of skulls atop which they reign and offer our much put-upon Untouchable that full scholarship to Harvard. And the dean, damn him, actually has the nerve to "pause a moment for me to express my elation" instead of begging him to forgive the Brahmin Reich its crimes against his people and accept their humble gift. Mumia Colson triumphantly turns down the fork-tongued representative of the "Eastern intellectualism" that Colson associates with Harvard. Then he opts to attend Brown, which I suppose is not representative of any such thing.

This degenerate nonsense continues for several more chapters until we are finally introduced to a

sympathetic character, Richard Nixon, whom the American people had decided would make a fine president. If only they'd known what Colson himself would soon begin to suspect-that the presidency itself had lately become so corrupted that even Nixon would find his democratic instincts compromised by mere possession of the office. "The era of the 'Imperial' Presidency came to full flower with John F. Kennedy, who trusted only family and longtime Camelot worshippers around him," Colson explains, somewhat bizarrely. We get a better sense of what Colson, in his innocence, does and does not consider aspects of such imperial presidencies in the course of an anecdote that is intended, in a strange combination, as both amusing slice-of-White-House-life vignette as well as cautionary tale on the dangers of creeping dictatorship. You see, one evening, Nixon decides that he'd like to go over to the Kennedy Center and listen to music. Alas, the staff that handles Nixon's little outings has already gone home, so it falls to Colson and a couple of secretaries and poor George Schultz to figure out if it's even open, and if a certain composer that Nixon likes is conducting, and if not then what else might be going down-and all of this is a huge comic ordeal involving telephone calls and inductive reasoning because that's how these things were done back before the internet. Finally, Colson figures out that the Marine Band is playing tonight, and of course this sounds great to Nixon the ofay. So now our hapless hero Colson has to arrange the logistics entailed in getting Nixon over there and making sure that the Marine Band plays "Hail to the Chief" when the president comes out on the balcony. It's a hell of a story, right up there with Lonesome Dove, but it also has an important lesson to impart. Nixon, you see, never seems to notice how much trouble this last-minute whim of his is causing everyone. To wit: "Over the years a system of total and unquestioning loyalty to the Presidents had grown up," he explains at this point, and not a chapter ago when Nixon ordered the secret bombing of Cambodia and got it.

What Colson lacks in perspective he makes up for in his willingness to jot down hilarious and telling Nixonisms. "The leaks, the leaks; that's what we've got to stop at any cost. Do you hear me, Henry?" the president mutters to Kissinger, who of course turned out to be a prolific leaker himself, at least when it came to press fodder that could make him look good at the president's expense. We are also reminded that Nixon was ahead of his time. Back then, his malevolent and obsessive quest to stem "the leaks, the leaks" at "any cost" was viewed as a sort of psychic illness; today, both the sentiment and the extralegal pursuit of leakers that followed is considered downright presidential. "We might as well turn it all over to the Soviets and get it over with," mutters this pioneer among presidents, anticipating the drama queen logic that today's national security state now evokes against Wikileaks and certain other parties. "These leaks"-most notably the ongoing publication of the Pentagon Papers—"are slowly and systematically destroying us." This latest crisis was, of course, the work of dastardly Pentagon analyst Daniel Ellsberg, "who by his own admission once experimented with LSD," Colson reminds us with exquisite nastiness. "The press hailed him as a courageous champion of the 'public's right to know,'" a term which Colson presents in scare quotes to indicate that this is a silly and alien concept that does not accord with American life -except, presumably, when it comes to Ellsberg's medical records, which the administration helpReading 'Born Agai Case 3102+01+00+00317-L Document 90-14 Filed 09/04/13 Page 5 of 5 PageID 545 9/2/13 1:22 PM

fully dumped. "I want the truth about him known," Nixon tells Colson, who is then tasked with "exposing" Ellsberg. Then Colson's fellow humanists G. Gordon Liddy and Howard Hunt break into Ellsberg's psychiatrist's office to get those medical records. "Our fortress mentality plunged us across the moral divide," past secret bombings and into the realm of actual burglary. "Other excesses came, as the shadowy form of the demon which would take down the Thirty-Seventh President of the United States was now taking shape like a genie drifting out of a bottle," says Colson, who must have stolen some acid from Ellsberg, too.

Soon Nixon is reelected. Kissinger splits his time between leaking to the *New York Times* and trying to figure out who else is leaking to the *New York Times*. The war comes to an end, but not before putting further strain on Nixon and Kissinger's winning dynamic. "In its 'Last Hurrah,'" Colson observes, "Vietnam managed to poison the relationship between these two unusually gifted men, a relationship which had led to some of the most spectacular American foreign policy achievements in decades." I hope the Vietnamese feel bad about this.

Later Colson is sent to Russia to finesse the party brass on some minor policy issue or another. At a press conference there, an impertinent US reporter asks him about the budding Watergate scandal. By contrast, "There had not been a single word about the scandal in the Soviet press and the Soviet officials who were aware of it were perplexed; wiretapping and bugging is a way of life in their country," he noted. Of course, this was way back in the halcyon days when the US could be contrasted with totalitarian regimes on matters of surveillance. What an age of innocence it was, the Watergate era. Anyway, it was too depressing to read on after this point. Also I understand that Colson is dead now, which is probably for the best.

Barrett Brown is an American author and journalist awaiting trial on charges related to his research on US government intelligence contractors. For more information on his case, visit *freebarrettbrown.org*.

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